

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-1104

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

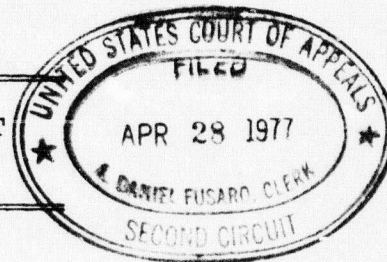
DOCKET NO. 77-1104

B
P/S

UNITED STATES OF AMERICA,
PLAINTIFF-APPELLEE,
V.
RONALD A. STRINGER,
DEFENDANT-APPELLANT.

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

APPENDIX TO BRIEF OF APPELLANT
RONALD A. STRINGER



RICHARD S. CRAMER
ASSISTANT FEDERAL PUBLIC DEFENDER
450 MAIN STREET
HARTFORD, CONNECTICUT 06103
ATTORNEY FOR DEFENDANT-APPELLANT

PAGINATION AS IN ORIGINAL COPY

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IN OFFENSE PO

JUDGE/MAGISTRATE Assigned

U.S.

IN OFFENSE MO

IN RE ANCHORING

FELONY Fel

06

205

2

Unsp /Sentence

District

Office

STRINGER, RONALD ADRIAN

(LAST, FIRST, MIDDLE)

Case Filed

Mo Day

10/28/76

No of Def's

0

JUVENILE

76

111

Vr

Docket No

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:2113(a), 2
18:371bank robbery
conspire to violate 18:2113(c)

1

1

U.S. MAG
CASE NO

76-135

BAIL - RELEASE

Denied

AMT

Fugitive

Set

Pers Recd

PSA

\$35,000

Date

10/28/76

conditions

10% Depos

Surety Bond

Bail Not Made

Status Changed

(See Docket)

Collateral

3rd

Pry Cust

Oth

II. KEY DATES & INTERVALS

SUPERSEDING
COUNTS

ARREST or

INDICTMENT

ARRAIGNMENT

TRIAL

U.S. Custody Began

High Risk Date

Information

11/4/76

Trial Set For

Voor Dire

Summons Served

10/28/76

First Appearance

10/28/76

Indict. Waived

Superseding

Indict/Info

In Charging District

11/4/76

1st Plea

Final Plea

12/7/76

NG NG G NOL

G Plea W/Drawn

NG NG G NOL

12/28/76

Trial Began

1/18/77

Trial Ended

1/21/77

Disposition of Charges

1/21/77

2/22/77

Convicted

Acquitted

Dismissed

On Government's Motion

SENTENCE

On All Charges

On Lesser Offense(s)

WOP: W

On Government's Motion

MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			10/28/76		
Arrest Warrant Issued	Return					
COMPLAINT	Served					
OFFENSE (in Complaint)						
		Bank Robbery		Tape Number		
				76-135 MH		
				PRELIMINARY EXAMINATION OR REMOVAL HEARING		
				Date Scheduled		
				Date Held		
				WAIVED NOT WAIVED		
				INTERVENING INDICTMENT		
				DISMISSED		
				HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT		
				HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW		

U.S. Attorney or Asst.

ATTORNEYS

Defense ☐ CJA ☐ Ret. ☐ Waived ☐ Self ☐ None / Other ☒ PD ☐ CDPeter C. Dorsey, US Atty.
Thomas P. Smith, Asst.Richard Cramer
450 Main St.
Hartford, Conn.

Show last names and suffix numbers of other defendants on same indictment information

DATE	DOCUMENT NO.	PROCEEDINGS	EXCLUDABLE DELAY
1976			(a) (b) (c)
10/28		Indictment, filed. Bench Warrant to issue. No bond at this time. (Eagan, Mag.)	
10/28		Bench Warrant issued and handed US Marshal.	
10/29		Magistrate's papers, filed...BRA No. 1, docket, Financial Affidavit CJA 23, Bond set at \$35,000.00 full surety and add'l. condition of bond, defendant not to have personal contact with Christine Doolittle or with her family without prior court approval; defendant to live at home with his family and defendant must continue to work. (Eagan, Mag.)	
11/1		Marshals executed return, filed. (Warrant For Arrest of Defendant)	
11/4		PLEA of <u>not guilty</u> entered to cts. #1 & 2. Case continued until December 7, 1976 for trial. Notice of Readiness, filed by Govt. (Eagan, Mag.)	
11/22		Motion For Bill of Particulars; Motion For Discovery, and Motion To Prohibit Use of Prior Conviction For Impeachment Purposes, filed.	
11/23		Govt's. Objection to Motion For Bill of Particulars and Motion For Discovery and Govt's. Memorandum in Support	

Crim. H-76-111

USA vs. Stringer

IV. PROCEEDINGS (CONTINUED)

PAGE TWO

V. EXCLUDABLE DELAY

DATE	DOCUMENT NO.	Interval or Sub (a)	Start Date End Date (b)	LT Code (c)	Total Days (d)
1976					
11/23	of Its Objection to the Filing of Motions by Defendant Stringer, filed.				
11/24	Govt's. Response to Deft's. Motion For a Bill of Particulars and Govt's. Response to Deft's. Motion to Prohibit Use of Felony Conviction For Impeachment Purposes, filed.				
11/29	HEARING on Pending Motions - Decisions Reserved. (Clarie, J.)	3	11/29/76 11/29/76	E	1
11/30	List of Potential Govt. Witnesses and Govt's. Response to Motion For Discovery, filed by Govt.				
12/7	Motion For Reduction of Bail, filed.				
12/7	Memorandum of Law In Support of Defendant's Discovery Motion, filed.				
12/13	Ruling on Motion For Reduction of Bond and Finding of Fact, filed. - DENIED. (Eagan, Mag.) M.12-13-76. Copies sent to counsel of record.				
12/16	Appeal From Denial of Bond Application, filed.				
12/27	JURY ASSG. LIST - 1st case for jury selection on 12/28/76. (Clarie, J.)				
12/27	Hearing on Appeal From Denial of Bond Application - Bond reduced by Court to \$20,000 full surety. (Clarie, J.)				
12/28	JURY TRIAL commences. In absence of jury, Court & counsel discuss the matter of representation. Public Defender will select jury. If attorney Gussack is retained he may appear as case will not proceed until after Crim. H-76-29. Defts. Jury Questions, filed. Oath on Voir Dire administered. 37 jurors respond to roll call. 3 jurors excused for this case only. 2 jurors excused for cause. Panel of 28 drawn. Challenges made. Twelve jurors & two alternates impanelled & sworn. Panel to remain for further selection. 11:15 a.m. Court adjourned in this matter. (Clarie, J.)				
12/29	Application For Writ of Habeas Corpus Ad Testificandum with Order of Court thereon, filed. (Clarie, J.) M.12-29-76. Two attested copies handed US Marshal in Hartford.				
1977					
1/4	Govt's. In-Camera Submission of Documents, filed.				
1/5	Ex Parte Application For Extraterritorial Subpoena Duces Tecum, filed.				
1/5	Endorsement entered and filed on Ex Parte Application, "1/5/77. Motion for subpoena is granted. So Ordered." (Clarie, J.) M.1-5-77. Two attested copies handed US Marshal in Hartford.				
1/18	JURY TRIAL commences. Jury of 12 report. Atty. Cramer requests all 3500 material & Atty. Smith complies. Atty. Cramer requests that all Govt. witnesses be sequestered. Atty. Smith agrees as long as defendants witnesses are sequestered. (cont'd. on page 2)				

FILE AND FILING OFFICE COMMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

STRINGER, Ronald

76

111

Yr.

Docket No.

De

DATE 1976	PROCEEDINGS (continued) Page 2	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1/18	(Document No.) JURY TRIAL - (cont'd) - Each attorney makes short statement. 13 Govt. witnesses sworn & testified. One Govt. witness previously sworn resumed stand & testified. Govt. exh. 1-5, 7 & 8, filed. Govt. exh. 6A & 6B marked for identification. Def. exh. A marked for identification. Court adjourned at 5:00 p.m. until tomorrow at 10:00 a.m. (Clarie, J.)				
1/19	JURY TRIAL CONTINUES: 12 Jurors report - 2 previously sworn witnesses recalled and testified - Govt. witness sworn and testified - Govt. rests at 11:08a.m.- Defendant sworn and testified - Govt. witness sworn and testified - 8 Defendant's witnesses sworn and testified - Deft. exhibit B marked for identification then made full exhibit - Govt. exhibits 9 filed and Govt. exhibit 10 marked for identification. Jury excused at 5:05p.m. and court adjourned at 5:12p.m. until tomorrow at 10:00a.m. (Clarie, J.)				
1/20	JURY TRIAL CONTINUES: 12 Jurors report - DEFT. previously sworn recalled and testified - 4 Witnesses previously sworn recalled and testified - Deft's exhibit C, filed - Defense rests at 10:54a.m.- Govt. exhibits 11A thru 13, filed - 3 Govt. Witnesses sworn and testified - Govt. exhibit 10 made full exhibit - Govt. rests at 1:54p.m.- Special request to charge filed by U. S. Attorney - Atty. Cramer makes Motion for Acquittal on Conspiracy Count, Motion Denied - Govt. commences summation at 2:06pm and ends at 2:59p.m.-Defense Attorney makes Motion For Judgment of Acquittal, Motion Denied - Defense summation from 3:19p.m. to 4:11p.m. - Govt. commences rebuttal at 4:12p.m. and ends at 4:16p.m.- Court adjourned at 4:18p.m. until tomorrow at 10:00a.m. (Clarie, J.)				
1/21	JURY TRIAL continues. Jury of 12 report. Atty. Smith notes objections to Atty. Cramer's summation. Court charge from 10:09 a.m. to 10:56 a.m. Jury retires at 10:57 a.m. Exceptions to Charge stated by Atty. Smith. Exceptions to charge stated by Atty. Cramer. Jury receives indictment and exhibits at 11:06 a.m. Atty. Smith files Govt's Request For Supplemental Instruction at 11:27 a.m. Jury to have lunch served. Jury returns with verdict at 2:30 p.m. Verdict of <u>guilty</u> on both counts. Verdict ordered received and recorded. Govt. moves that bond be increased from \$20,000 to \$50,000 with full surety. Bond of \$25,000 with full surety set. Court adjourned at 2:36 p.m. (Clarie, J.)				
1/24	Marshal's executed return, filed. (Appl. For Writ of H.C.)				
2/9	Court Reporter's notes of Proceedings held on November 29, 1976, December 27 & 28, 1976 and January 18, 19, 20 & 21, 1977, filed in Hartford. (Sperber, R.)				
	Continued				

App. 3

USA vs. Ronald Stringer Crim. H-76-111

App. 4

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

:

v.

:

CRIMINAL NO. 76-111

RONALD ADRIAN STRINGER

:

I N D I C T M E N T

The Grand Jury charges:

COUNT ONE

On or about the 9th day of January, 1976, in the District of Connecticut, RONALD ADRIAN STRINGER, the defendant herein, by intimidation, wilfully and unlawfully, did take from the person and presence of another, the approximate sum of Four Thousand Four Hundred Seventy-Five Dollars (\$4,475.00) in money, belonging to and in the care, custody, control, management, and possession of the Permanent Savings and Loan Association, 61 Colony Street, Meriden, Connecticut, the deposits of which were then insured by the Federal Savings and Loan Insurance Company; in violation of Title 18, United States Code, sections 2113(a) and 2.

COUNT TWO

From on or about January 8th, 1976, until on or about January 9th, 1976, in the District of Connecticut, RONALD ADRIAN STRINGER, the defendant herein, wilfully and knowingly did combine, conspire, confederate, and agree with Christine Doolittle (who is named as a co-conspirator, but not as a co-defendant herein), and with others to the Grand Jury unknown, to commit offenses against the United States, to wit: to commit an armed robbery of the Permanent Savings and Loan Association, a federally-insured bank, in violation of Title 18, United States Code, section 2113(a); and

"to unlawfully receive and possess the cash proceeds of said robbery with knowledge that said proceeds had been taken and carried away from said federally-insured bank, in violation of Title 18, United States Code, section 2113(c).

Overt Acts

In furtherance of said conspiracy, and to effect the objects thereof, the following overt acts were committed:

1. On or about January 8, 1976, RONALD ADRIAN STRINGER and Christine Doolittle had a conversation;
2. On or about January 9, 1976, RONALD ADRIAN STRINGER handed Christine Doolittle a demand note;
3. On or about January 9, 1976, RONALD ADRIAN STRINGER handed Christine Doolittle sheet;
4. On or about January 9, 1976, RONALD ADRIAN STRINGER handed Christine Doolittle a gun;
5. On or about January 9, 1976, RONALD ADRIAN STRINGER and Christine Doolittle rode in an automobile to the vicinity of the Permanent Savings and Loan Association;

All in violation of Title 18, United States Code, section 371.

A TRUE BILL.

Foreman

PETER C. DORSEY
United States Attorney

THOMAS P. SMITH
Assistant United States Attorney



10
11/10/76

Permanent Savings and Loan Association • 61 Colony Street, Meriden, Connecticut 06450 phone (203) 235

WINDOW NUMBER 10 \$300.00 BAIT MONEY

<u>DENOMINATION</u>	<u>BANK OF ISSUE</u>	<u>SERIAL NUMBERS</u>	<u>SERIES</u>
20	San Francisco, Cal.	L72861875B ✓	1969B
20	Richmond, Virginia	E12E65071B ✓	1963A
20	Chicago, Illinois	G25046812C ✓	1969C
20	Minneapolis, Minn.	I06288047A ✓	1969
20	Richmond, Virginia	E55463609A ✓	1969
20	New York, New York	J303941331B ✓	1969
20	Boston, Mass.	A23483843A ✓	1969A
20	Richmond, Virginia	E29321431B ✓	1969B
20	San Francisco, Cal.	L29338614A ✓	1969
20	New York, New York	B17513628B ✓	1969A
10	Boston, Mass.	A41622818B ✓	1969C
10	New York, New York	B13174842A ✓	1969
10	Atlantic, Georgia	F96138554A ✓	1969C
10	New York, New York	B65989284E ✓	1969C
10	Boston, Mass.	A51801597A ✓	1969
10	Boston, Mass.	A43633614B ✓	1969C
10	New York, New York	B93977329D ✓	1969B
10	Cleveland, Ohio	D45258273A ✓	1969
5	New York, New York	B38989466D ✓	1969C
5	New York, New York	B96850426C ✓	1969C
5	New York, New York	B46176995C ✓	1969A
5	Boston, Mass.	A47138952A ✓	1969

ENTERED

11/2/76
PC

1 JANUARY 21, 1977:

2 THE COURT: Good morning, ladies and gentlemen
3 of the jury.

4 As I stated yesterday, when we adjourned,
5 because we have reached the conclusion of this
6 case, I will inquire of the jury, has any member of
7 the jury read about or been exposed to any news
8 media or matters concerning the subject matter of
9 this case during the term of the trial, or since
10 our adjournment yesterday? Or have you discussed
11 it with any other person?

12 If anyone has I will ask you to raise your
13 hands.

14 There is no response. Are counsel satisfied
15 with the inquiry?

16 MR. SMITH: The Government is satisfied.

17 MR. CRAMER: Yes, your Honor.

18 THE COURT: All right.

19 Ladies and gentlemen of the jury, now that
20 you have heard the evidence in this case and the
21 arguments of counsel, the time has come to instruct
22 you as to the law governing this case.

23 Although you, as jurors, are the sole judges
24 of the facts, you are duty bound to follow the law
25 as stated in the instructions of the Court, and to

1 apply the law so given to the facts as you find
2 them from the evidence which is before you.

3 You are not to single out one instruction of
4 the Court alone as stating the law, but you must
5 consider the instructions as a whole. Neither are
6 you to be concerned with the wisdom of any rule of
7 law. Regardless of any opinion you may have as to
8 what the law ought to be, it would be a violation
9 of your sworn duty to base a verdict upon any
10 other view of the law than that given in the
11 instructions of the Court.

12 The facts, of course, are not what counsel
13 may argue them to be; they are what you find them
14 to be.

15 You are further advised that you are not to
16 infer any conclusions merely from questions that
17 may have been propounded by the Court, in order to
18 clarify the facts, or to assume that the Court
19 holds any opinion on the matters on which the
20 questions were related to. These are matters
21 solely for you, the jury, to find in respect to the
22 facts.

23 Now, the indictment, which you will have with
24 you in the jury room, is but a formal method of
25 accusing a defendant of a crime. It is not evidence

1 of any kind against the accused in this case, and
2 does not create any presumption nor permit any
3 inference of guilt.

4 The law presumes a defendant to be innocent
5 of crime. Thus, at the moment a defendant begins
6 the trial, he stands before you free from any
7 bias or prejudice or burden arising from his
8 position as the accused. So far as you are
9 concerned, he then was innocent and he continues
10 innocent throughout the trial and during the
11 deliberations of the jury, and is overcome when,
12 and only when, his guilt is established beyond a
13 reasonable doubt.

14 This presumption also requires that if a piece
15 of evidence offered is capable of two reasonable
16 constructions, one of which is consistent with
17 innocence, it must be given that construction.
18 Whether the burden of proof resting upon the
19 Government is sustained depends not on the number
20 of witnesses or the quantity of the testimony, but
21 upon the nature and quality of that testimony.

22 In order to convict one accused of crime, the
23 jury must be satisfied beyond a reasonable doubt
24 of the defendant's guilt. A mere preponderance of
25 the evidence is not sufficient. And, if a reasonable

1 doubt does exist in the minds of the jury, they
2 must acquit the defendant. If the evidence
3 justifies, in your judgment, the conclusion that
4 the accused is guilty, so as to exclude every
5 other reasonable doubt as to his guilt, then of
6 course you will find him guilty.

7 Now, the term "reasonable doubt" means just
8 what the term implies. By "reasonable doubt" I
9 do not mean to be understood as stating that the
10 defendant must be found guilty beyond all doubt
11 whatsoever, but beyond a doubt founded in reason,
12 and arising from the evidence.

13 Reasonable doubt is a doubt arising from the
14 evidence or from a lack of evidence, after
15 consideration of all the evidence in the case.
16 It is not a vague, speculative, imaginary something,
17 but just such a doubt as would cause reasonable
18 men and women to hesitate to act upon it in matters
19 of importance to themselves.

20 Reasonable doubt means such doubt as will
21 leave the juror's mind, after a candid and
22 impartial consideration of all the evidence, so
23 undecided that he or she is unable to say that he
24 has an abiding conviction or assurance of the
25 defendant's guilt.

1 If after you have carefully considered and
2 weighed all the evidence in the case, in the light
3 of the law as the Court will have given it to you,
4 you have a firm, full and abiding conviction that
5 a defendant is guilty as charged in the indictment,
6 then this guilt has been established beyond a
7 reasonable doubt. But, if you do not have a firm,
8 full and abiding conviction, then guilt has not
9 been established beyond a reasonable doubt, and you
10 should then acquit the defendant.

11 In order to convict one accused of crime, all
12 of the elements of that crime must be proven beyond
13 a reasonable doubt. Therefore, unless the jury
14 concludes that all the material elements of said
15 crime have been committed by the defendant, and
16 said elements have been proved beyond a reasonable
17 doubt, the jury must bring in a verdict of not
18 guilty.

19 In the remainder of what I have to say to
20 you in this jury charge I shall use the word
21 "prove" or "proved" with reference to the burden
22 which rests upon the Government. And I shall
23 speak to you of your finding various facts or
24 elements in the case. But, throughout you will
25 understand that when I say the Government has to

1 prove a fact to you, I mean it has to prove to you
2 that fact with this degree of proof I've just
3 defined: beyond a reasonable doubt, even though
4 I may not use those exact words.

5 When I say you must find a fact, I mean you
6 must find it proven beyond a reasonable doubt,
7 even though I simply use the word "find".

8 Now, there are two types of evidence from
9 which a jury may properly find a defendant guilty
10 of an offense. One is direct evidence, such as
11 the testimony of an eyewitness. The other is
12 circumstantial evidence, the proof of a chain of
13 circumstances pointing to the commission of the
14 offense.

15 As a general rule the law makes no distinction
16 between direct and circumstantial evidence, but
17 simply requires that before convicting a defendant
18 the jury must be satisfied beyond a reasonable
19 doubt from all of the evidence in the case.

20 Now, the term "inference" is a deduction or
21 conclusion which reason and common sense lead the
22 jury to draw from facts which have been proved.
23 In arriving at your decision, you, the jury, may
24 draw inferences from those facts which are either
25 admitted or those facts which you find to have been

1 proven beyond a reasonable doubt.

2 However, no inference is reliable which is
3 drawn from facts which are themselves uncertain.
4 You, the jury, in other words, should not indulge
5 in speculation or conjecture.

6 Another term will be used, the term
7 "presumption." A presumption is a conclusion which
8 the law requires the jury to make from particular
9 facts, in the absence of convincing evidence to the
10 contrary. Now, a presumption continues in effect
11 until overcome or outweighed by evidence to the
12 contrary. But, unless so outweighed, the jury are
13 bound to find in accordance with the presumption.

14 This defendant is presumed innocent unless you
15 find beyond a reasonable doubt that he is guilty of
16 the offense or offenses with which he is charged.

17 Now, the indictment against the defendant
18 contains two separate counts. Each count is a
19 separate and distinct cause of action. Each count
20 embodies or contains allegations which allege a
21 separate and distinct claim under the statute.
22 The mere fact that you may find the defendant guilty
23 on one count does not necessarily affect his guilt
24 or innocence on the other count. And, vice versa,
25 each count stands by itself.

1 Now, in respect to the first count -- before
2 reading the count, in an attempt to make it clear,
3 as has been pointed out by counsel, the Government's
4 position on Count 1 is that not that this defendant
5 entered the bank, or that he was in the bank and
6 took the money from the bank teller, but that he
7 aided and abetted the commission of this offense.
8 And you will find from the description of the
9 Court's terminology here that one who aids and
10 abets the commission of a crime is in the same
11 position as the principal.

12 So, I mention that before I read the first
13 count, in an attempt to make it clear to you, if
14 it is necessary, as to the application of Count 1,
15 as it reads, to the Government's position under
16 aiding and abetting.

17 Now, Count 1 says that "On or about the 9th
18 day of January, 1976, in the District of
19 Connecticut, Ronald Adrian Stringer, the defendant
20 herein, by intimidation, willfully and unlawfully
21 did take from the person and presence of another,
22 the approximate sum of \$4,475, in money, belonging
23 to and in the care, custody, control, management
24 and possession of the Permanent Savings & Loan
25 Association, 61 Colony Street, Meriden, Connecticut,

1 the deposits of which were then insured by the
2 Federal Savings & Loan Insurance Company, in
3 violation of Title 18, United States Code,
4 Sections 2113(a) and 2."

5 Now, Title 18, Section 2113(a) of the
6 Code, is entitled "Bank Robbery and Incidental
7 Crimes." That portion to which this count applies
8 reads in part: "Whoever, by force and violence,
9 or by intimidation, takes or attempts to take from
10 the person or presence of another any property or
11 money or any other thing of value belonging to,
12 or in the care, custody, control, management or
13 possession of any bank, or any savings and loan
14 association," shall be guilty of violating the law.

15 Sub-title (g) of this same statute provides
16 in part: "As used in this section, the term
17 'savings and loan association' means any federal
18 savings and loan association, as defined in the
19 National Housing Act."

20 Now, there are four essential elements required
21 to be proven in order to establish the offense
22 charged in the first count.

23 First, that force and intimidation was used
24 by the defendant, Ronald Adrian Stringer, in the
25 commission of the robbery; second, that there was

1 an unlawful taking of money which was in the care,
2 custody, control and management or possession of
3 the bank; third, that the bank, the savings and
4 loan association from which the money was taken,
5 was, on the day of the robbery, insured by the
6 Federal Savings & Loan Insurance Corporation;
7 fourth, that the defendant, Ronald Adrian Stringer,
8 was one of the robbers who participated in the
9 robbery.

10 Those are the essential elements.

11 Now, in respect to the first element, you
12 must first determine what the statute means by the
13 terms "force and violence, and by intimidation."
14 It simply means this: Any person who shall commit
15 a robbery, and in perpetration thereof shall use
16 any force or violence, or be so armed as to clearly
17 indicate violent intent, shall be in violation of
18 this statute.

19 I will read that again: Any person who shall
20 commit any robbery, or in perpetration thereof
21 shall use any force or violence, or be so armed
22 as to clearly indicate violent intent, shall be
23 in violation of this statute.

24 It is the claim of the Government that there
25 was force and violence used by the means of a gun

1 upon the personnel of the bank. And that force
2 and violence was the means by which the money was
3 taken. In other words, that the taking of the
4 money, which was in the care, custody, control,
5 management or possession of the bank, was
6 accomplished by intimidating or putting the
7 victims, the personnel of the bank, in fear or
8 danger as to their person.

9 The force necessary to constitute robbery may
10 be constructive as well as actual, and may consist
11 in the intimidation of the victim, or putting him
12 in fear. Intimidation, in this case, means force,
13 not actual or direct, exerted upon the person
14 robbed, by operating upon his fear of injury to
15 person, property or character.

16 No matter how slight the cause creating the
17 fear may be, or by what other circumstances the
18 taking may be accomplished, if the transaction is
19 attended with such circumstance of terror, such
20 threatening by word or gesture, as in common
21 experience are likely to create an apprehension
22 of danger and induce a person to part with his
23 property for the sake of his person, the victim is
24 put in fear.

25 Moreover, actual fear need not be strictly and

1 precisely proved, since the law will presume fear
2 if there appears to be just ground for it. And
3 the mere fact that the victim complied with the
4 assailant's demands is itself indicative of fear.
5 But the putting in fear must be sustained by
6 evidence of acts or conduct or words or circum-
7 stances reasonably calculated to effect that result.

8 It does not matter that the gun used by the
9 defendant was in fact a toy gun. It is sufficient
10 that the bank personnel believed that they were
11 in danger of bodily injury, and that this overcame
12 their will, and induced them to part with the money.

13 So, a person who has the apparent present
14 ability to inflict bodily harm or injury upon
15 another person, and willfully attempts, or even
16 threatens to inflict such bodily harm, as by
17 intentionally flourishing or pointing of a gun,
18 even though it later was found to be a toy gun,
19 may be found to have intimidated another.

20 The second element to be proven is that
21 there was an unlawful taking of the money, which
22 was in the care, custody, control, management or
23 possession of the savings and loan association.
24 And in this respect you may consider the testimony
25 of Joseph Campbell, the bank vice president, who

1 testified that approximately \$4,475 was taken
2 during the robbery.

3 The third element for you to consider is,
4 was the Permanent Savings & Loan Association on
5 the date of entry, insured by the Federal Savings &
6 Loan Insurance Corporation, as required by the
7 National Housing Act. In this respect you have
8 Government's Exhibit 1, the certificate or copy
9 of the certificate of the Federal Savings & Loan
10 Insurance Corporation, and the testimony of the
11 bank vice president, Joseph Campbell, to the effect
12 that it was insured.

13 As to the fourth element, you are instructed
14 that the identity of the person who committed the
15 crime is an element of every crime. You must be
16 satisfied beyond a reasonable doubt of the
17 accuracy of the Government's identification of the
18 defendant as being the person who robbed the bank.
19 Or, previously, as I stated, aided and abetted
20 in the robbery of the bank.

21 Should facts and circumstances be introduced
22 in evidence which raised a reasonable doubt as to
23 whether the defendant was the person who committed
24 the crime charged, then you should find the
25 defendant not guilty of the offense.

1 The Government claims in this case that the
2 defendant, Stringer, was in possession of stolen
3 bank money. You are instructed that mere
4 possession of money from the bank by the defendant,
5 Stringer, -- if in fact he did possess it -- is
6 not sufficient, standing alone, to convict him of
7 robbing the bank.

8 Such possession is merely evidence of
9 possible participation in the robbery, and it
10 should be assigned as much weight as you see fit.
11 A finding of guilty of the offenses charged in the
12 indictment requires proof of distinctive, factual
13 elements, beyond that of mere possession. That
14 is only one factor, which must be considered to-
15 gether with all the other evidence in the case.

16 Now, the Court calls to your attention a
17 separate section of the law which is applicable
18 to Count 1 of this particular case, Title 18,
19 Section 2, which deals with aiding and abetting
20 in a crime. And I quote: "Whoever commits an
21 offense against the United States, or aids, abets,
22 counsels, commands, induces, or procures its
23 commission, is punishable as a principal."
24 In other words, as if he did it himself, or she
25 did he herself -- punishable as a principal.

1 "Whoever willfully causes an act to be done,
2 which if directly performed by him would be an
3 offense against the United States, is punishable
4 as a principal."

5 Every person who thus willfully participates
6 in the commission of a crime may be found to be
7 guilty of that offense. Participation is willful
8 if done voluntarily and purposely, and with
9 specific intent to do some act which the law
10 forbids; that is to say, with bad purpose, either
11 to disobey or to disregard the law.

12 In order to aid and abet another to commit
13 a crime, it is necessary that the defendant
14 willfully associate himself in some way with the
15 criminal venture. And that he willfully participate
16 in it, as in something he wishes to bring about,
17 and that he willfully seeks by some action of his
18 to make it succeed.

19 Mere knowledge that a crime is being
20 committed, even when coupled with presence at the
21 scene, without more, is not sufficient to find a
22 person guilty of aiding and abetting.

23 Now, we come to Count 2. That reads -- and
24 you will have this with you in the jury room:

25 "From on or about January 8, 1976, until on or about

1 January 9, 1976, in the District of Connecticut,
2 Ronald Adrian Stringer, the defendant herein,
3 willfully and knowingly did combine, conspire,
4 confederate and agree with Christine Doolittle,
5 who is named as a co-conspirator, but not as a
6 co-defendant herein, and with others to the grand
7 jury unknown, to commit offenses against the United
8 States, to wit: to commit an armed robbery of the
9 Permanent Savings & Loan Association, a federally
10 insured bank, in violation of Title 18, Section
11 2113(a); and to unlawfully receive and possess the
12 cash proceeds of said robbery with knowledge that
13 said proceeds had been taken and carried away from
14 said federally insured bank, in violation of
15 Title 18, U.S. Code, Section 2113(c)."

16 Now, as to overt acts. In furtherance of
17 said conspiracy, and to effect the objects thereof,
18 the following overt acts were committed:

19 First, on or about January 8, 1976, Ronald
20 Adrian Stringer and Christine Doolittle had a
21 conversation;

22 Second, on or about January 9, 1976, Ronald
23 Adrian Stringer handed Christine Doolittle a demand
24 note;

25 Third, on or about January 9, 1976, Ronald

1 Adrian Stringer handed Christine Doolittle a
2 sheet;

3 Fourth, on or about January 9th, 1976, Ronald
4 Adrian Stringer handed Christine Doolittle a gun;

5 Fifth, on or about January 9, 1976, Ronald
6 Adrian Stringer and Christine Doolittle rode in
7 an automobile to the vicinity of the Permanent
8 Savings & Loan Association.

9 All in violation of Title 18, Section 371 of
10 the United States Code -- which is known as the
11 Federal Conspiracy Statute. That is the second
12 count, the conspiracy statute.

13 And it says, in part, in relevant part:
14 "If two or more persons conspire to commit any
15 offense against the United States, and one or more
16 of such persons do any act to effect the object
17 of such conspiracy, each shall be" punished as the
18 law provides.

19 Now, in order to establish the offense of
20 conspiracy charged in the second count of the
21 indictment, the evidence must show, beyond a
22 reasonable doubt, four essential elements:

23 First, that the conspiracy described in the
24 indictment was formed and existing at or about the
25 time alleged;

1 Second, that the accused willfully became a
2 member of the conspiracy;

3 Third, that one of the alleged conspirators
4 named in the indictment thereafter knowingly
5 committed at least one of the overt acts charged
6 in the indictment, at or about the time and place
7 alleged;

8 Fourth, that such overt act or acts were
9 committed in furtherance of some object or purpose
10 of the conspiracy as charged.

11 Now, if the jury find beyond a reasonable
12 doubt from the evidence in the case that the
13 existence of the conspiracy charged in the
14 indictment has been proved, then proof of the
15 conspiracy offense as charged is complete; and it
16 is complete as to every person found by the
17 jury to have been willfully a member of the
18 conspiracy at the time.

19 By the term "overt act" is meant any act
20 committed by a defendant, in an effort to effect
21 or accomplish some object or purpose of the
22 conspiracy. The overt act need not in itself be
23 criminal in nature, if considered separately and
24 apart from the conspiracy. It may be as innocent
25 as the act of a man walking across the street, or

1 driving an automobile, or using a telephone, or
2 nodding his head. It must, however, be an act
3 which follows and tends toward the accomplishment
4 of the plan or scheme agreed upon, and must be
5 knowingly done in furtherance of some object or
6 purpose of the conspiracy, as charged in the
7 indictment.

8 If you find from the evidence, beyond a
9 reasonable doubt, that the existence of the
10 conspiracy charged in the indictment has been
11 proven, and that during the existence of that
12 conspiracy at least one of the overt acts alleged
13 was knowingly done by the defendant, and one of
14 the named co-conspirators, or either of them, in
15 furtherance of some object or purpose of the
16 conspiracy as charged, then proof of the conspiracy
17 offense as charged becomes complete. And it is
18 complete as to this defendant, if you find that
19 he had been knowingly and willfully a member of
20 the conspiracy at the time the overt act was
21 committed.

22 Now, we come to what is a conspiracy? A
23 conspiracy is a combination of two or more persons,
24 by concerted action, to accomplish some unlawful
25 purpose, or to accomplish some lawful purpose by

1 unlawful means. So, a conspiracy is a kind of
2 partnership in criminal purposes, in which each
3 member becomes the agent of every other member.
4 The gist of the offense is a combination or
5 agreement to disobey or disregard the law.

6 Mere similarity of conduct among various
7 persons, and the fact that they may have associated
8 with each other, and may have assembled together
9 and discussed common aims and interests, does not
10 necessarily establish proof of the existence of a
11 conspiracy.

12 However, the evidence in the case need not
13 show that the members entered into any express or
14 formal agreement, or that they directly, by words
15 spoken, or in writing, stated between themselves
16 what their object or purpose was to be, or the
17 details thereof, or the means by which the object
18 or purpose was to be accomplished.

19 What the evidence in the case must show
20 beyond a reasonable doubt, in order to establish
21 the proof that a conspiracy existed, is that the
22 members in some way or manner, or through some
23 contrivance, positively or tacitly came to a
24 mutual understanding, to try to accomplish a
25 common and unlawful plan.

1 The evidence in the case need not establish
2 that all the means or methods set forth in the
3 indictment were agreed upon to carry out the
4 alleged conspiracy, nor that all means or methods
5 which were agreed upon were actually used, or
6 put into operation; nor that all of the persons
7 charged to have been members of the alleged
8 conspiracy were such.

9 What the evidence must establish, beyond a
10 reasonable doubt, is that the alleged conspiracy
11 was knowingly formed, and that one or more of the
12 means or methods described in the indictment were
13 agreed upon to be used, in an effort to effect or
14 accomplish some object or purpose of the conspiracy,
15 as charged in the indictment; and that two or more
16 persons, including the accused, were knowingly
17 members of the conspiracy, as charged in the
18 indictment.

19 One may become a member of the conspiracy
20 charged without full knowledge of all the details
21 of the conspiracy. On the other hand, a person
22 who has no knowledge of the conspiracy, but
23 happens to act in a way which furthers some object
24 or purpose of the conspiracy, does not, thereby,
25 become a conspirator.

1 Before the jury may find that a defendant,
2 or any other person, has become a member of the
3 conspiracy, the evidence in the case must show,
4 beyond a reasonable doubt, that the conspiracy was
5 knowingly formed, and that the defendant, or
6 other person who is claimed to have become a
7 member, willfully participated in the unlawful
8 plan, with the intent to advance or further some
9 object or purpose of the conspiracy.

10 To act or participate willfully means to act
11 or participate voluntarily and intentionally, and
12 with specific intent to do something which the
13 law forbids, or with specific intent to fail to
14 do something the law requires to be done. That is
15 to say, to act or participate with bad purpose,
16 either to disobey or to disregard the law.

17 So, if a defendant, or any other person, with
18 understanding of the unlawful character of a plan,
19 knowingly encourages, advises or assists, for the
20 purpose of furthering the undertaking or scheme,
21 he thereby becomes a willful participant -- a
22 conspirator.

23 One who willfully joins an existing conspiracy
24 is charged with the same responsibility as if he
25 had been one of the originators or instigators of

1 the conspiracy.

2 In determining whether a conspiracy existed,
3 the jury should consider the actions and declara-
4 tions of all of the alleged participants. However,
5 in determining whether the defendant was a member
6 of the conspiracy, if any, the jury should consider
7 only his acts and statements. He cannot be bound
8 by the acts or declarations of other participants
9 until it is established that a conspiracy existed,
10 and that he was one of its members.

11 Whenever it appears from the evidence in the
12 case that a conspiracy existed, and that the
13 defendant was one of the members, then the
14 statements made thereafter, knowingly made, and
15 the acts thereafter knowingly done by any person
16 likewise found to be a member, may be considered
17 by the jury as evidence in the case, as to the
18 defendant found to have been a member, even though
19 the statements and acts may have occurred in the
20 absence and without the knowledge of the defendant,
21 provided such statements and acts were knowingly
22 made and done during the continuance of such
23 conspiracy, and in furtherance of some object or
24 purpose of the conspiracy.

25 Otherwise, any admission or incriminatory

1 statement made, or act done outside of court by
2 one person, may not be considered as evidence
3 against any person who was not present and did not
4 hear the statement made, or see the act done.

5 Therefore, statements of any conspirator,
6 which are not in furtherance of the conspiracy,
7 or made before its existence, or after its
8 termination, may be considered as evidence only
9 against the person making them.

10 In your consideration of the evidence in the
11 case, as to the offense of conspiracy charged,
12 you should first determine whether or not the
13 conspiracy existed, as alleged in the indictment.
14 If you conclude that the conspiracy did exist,
15 you should next determine whether or not the
16 accused willfully became a member of the conspiracy.

17 If it appears beyond a reasonable doubt from
18 the evidence in the case that the conspiracy
19 alleged in the indictment was willfully formed,
20 and that the defendant willfully became a member
21 of the conspiracy, either at its inception or
22 afterwards, then there may be a conviction, even
23 though the conspirators may not have succeeded in
24 accomplishing their common object or purpose, and
25 in fact may have failed in so doing.

1 The extent of any defendant's participation,
2 moreover, is not determinative of his guilt or
3 innocence. A defendant may be convicted even
4 though he may have played only a minor part in
5 the conspiracy.

6 The second count of the indictment against
7 the defendant, Stringer, charges a conspiracy
8 between him and other persons.

9 A person cannot conspire with himself alone.
10 And, therefore, you cannot find the defendant
11 guilty unless you find beyond a reasonable doubt
12 that he participated in the conspiracy as charged
13 with at least one other person, whether such
14 person is a co-defendant or not, and whether named
15 in the indictment or not.

16 Now, we come to the credibility of the
17 witnesses. And this is the crux of this case,
18 the credibility of witnesses.

19 You, as jurors, are the sole judges of the
20 credibility of the witnesses, and the weight that
21 their testimony deserves. You should carefully
22 scrutinize the testimony given, the circumstances
23 under which each witness has testified, and every
24 matter in evidence which tends to indicate whether
25 the witness is worthy of belief.

1 Consider each witness' intelligence and
2 motive and state of mind, and demeanor and manner
3 while on the witness stand. Consider also any
4 relation which each witness may bear to either
5 side of the case, the manner in which each witness
6 may be affected by the verdict, and the extent to
7 which, if at all, each witness is either supported
8 or contradicted by other evidence.

9 Inconsistencies or discrepancies in the
10 testimony of a witness, or between the testimony
11 of different witnesses, may or may not cause the
12 jury to discredit such testimony. Two or more
13 persons witnessing an incident or a transaction
14 may see or hear it differently. An innocent
15 misrecollection, like failure of recollection, is
16 not an uncommon experience that we see in our
17 every day lives.

18 In weighing the effect of a discrepancy,
19 consider whether it pertains to a matter of
20 importance, or an unimportant detail, and whether
21 the discrepancy results from innocent error or
22 from willful falsehood.

23 All evidence of a witness whose self-interest
24 or attitude is shown to be such as might tend to
25 prompt testimony unfavorable to the accused, should

1 be considered with caution, and weighed with great
2 care.

3 A witness may be discredited or impeached
4 by contradictory evidence, or by evidence that
5 at other times the witness has made statements
6 which are inconsistent with the witness' present
7 testimony.

8 If you believe any witness has been impeached,
9 and thus discredited, it is your exclusive
10 province to give the testimony of that witness
11 such credibility, such weight, as you may think
12 it deserves.

13 If a witness is shown knowingly to have
14 testified falsely concerning any material matter,
15 you have a right to distrust such witness'
16 testimony in other particulars, and you may reject
17 all the testimony of that witness, or give it such
18 credibility as you may think it deserves.

19 Now, when a defendant voluntarily offers an
20 explanation, or makes some statement tending to
21 establish innocence, and such explanation or
22 statement is later shown to be false, the jury may
23 consider whether this circumstantial evidence
24 points to a consciousness of guilt. It is reasonable
25 to infer that an innocent person does not ordinarily

1 find it necessary to invent or fabricate a
2 voluntary explanation or statements tending to
3 establish his innocence.

4 Whether or not evidence as to a defendant's
5 voluntary explanation or statement points to a
6 consciousness of guilt, and the significance, if
7 any, to be attached to any such evidence, are
8 matters for determination by you, the jury.

9 In this case the Government prosecutor has
10 offered evidence that the defendant was previously
11 convicted for larceny. Ordinarily, when a
12 defendant is charged with the commission of
13 another crime, other than that charged in the
14 present indictment which is on trial before the
15 Court, the evidence is ordinarily not admissible
16 to prove the guilt of the accused. The admission
17 of such crime by the accused has been allowed in
18 evidence for the sole purpose of affecting the
19 issue of the defendant's credibility. Such
20 evidence does not permit any inference that the
21 accused committed the crime for which he is now on
22 trial.

23 There was testimony here from law enforcement
24 officers in this case. The testimony of a law
25 enforcement officer is entitled to no special or

1 exclusive sanctity, merely because it comes from a
2 law enforcement officer. A law enforcement
3 officer who takes the witness stand subjects his
4 testimony to the same examination, the same tests,
5 as that of any other witness. And in the case of
6 such an officer you should not believe him merely
7 because he is a law enforcement officer. You
8 should evaluate his testimony as you do that of
9 any other witness.

10 The rules of evidence do not permit witnesses
11 to testify, ordinarily, as to opinions or
12 conclusions. An exception to this rule exists as
13 to those whom we call expert witnesses; witnesses
14 who, by education and experience, have become
15 expert in some art, science, profession or calling.
16 They may state an opinion as to relevant and
17 material matters in which they profess to be
18 experts, and they also may state the reasons for
19 their opinions.

20 Mervin E. Smith, Jr., the handwriting expert
21 who testified in this case yesterday, would be
22 classified as an expert witness in the field of
23 fingerprinting. You should consider his opinion
24 and give it such weight as you may think it
25 deserves.

1 If you should decide that his opinion is not
2 based upon sufficient education and experience,
3 or if you should conclude that the reasons given
4 in support of his opinion are not sound, or that
5 his opinion is outweighed by other evidence, you
6 may disregard his opinion entirely.

7 Now, in the case of Christine Doolittle,
8 if you find that the Government witness, Christine
9 Doolittle, willfully participated in the commission
10 of the crime, as she testified here, and that she
11 participated in the crime with which the defendant
12 is charged, then said witness, Christine Doolittle,
13 was an accomplice in the commission of the crime,
14 and you should weigh and consider her testimony
15 accordingly.

16 An accomplice is one who unites with another
17 person in the commission of a crime, voluntarily,
18 and with a common interest. An accomplice does
19 not become incompetent as a witness because of
20 participation in the crime charged. On the
21 contrary, the testimony of an accomplice alone, if
22 believed by the jury, may be of sufficient weight
23 to return a verdict of guilty, even though not
24 corroborated or supported by other evidence, that
25 is, by independent, documentary or testimonial

1 evidence, or evidence from exhibits, or testimony
2 of other witnesses.

3 To the extent to which there has been such
4 independent, supporting evidence, if any,
5 connecting the defendant with the crime charged,
6 it is for the jury to determine. And the jury
7 should keep in mind that the unsupported testimony
8 of an accomplice is always to be regarded with
9 caution, and weighed with great care.

10 In the last analysis, however, no independent,
11 supporting evidence is absolutely necessary in
12 this regard, but you should not convict a defendant
13 upon the unsupported testimony of an accomplice,
14 unless you believe that unsupported testimony
15 beyond a reasonable doubt.

16 An accomplice is entitled to the same
17 consideration, and must have his or her testimony
18 measured in the same way as that of any other
19 witness, including his or her interest in the
20 verdict which you are called upon to render.

21 Furthermore, with respect to Christine
22 Doolittle, there is another matter which should
23 be commented upon, which you should consider.
24 And that is with respect to her testimony
25 concerning the dismissal by the Government of the

1 charges against her as a juvenile, in respect to
2 this offense, and such offenses which she has
3 committed, or which it is alleged she participated
4 in.

5 You may take into account the motivation of
6 her testimony as given on the witness stand, and
7 the jury must determine whether her testimony
8 has been affected by self-interest, or by
9 prejudice against the defendant, or for other
10 gain or benefit.

11 With respect to the defendant, Stringer,
12 who testified, you must carefully consider his
13 testimony. An accused person is not obligated
14 to take the witness stand in his own behalf. On
15 the other hand, he has a perfect right to do so,
16 as he has done here.

17 In weighing the testimony that he has given
18 you should apply the same principles by which the
19 testimony of other witnesses is measured and
20 tested, including the witnesses called by the
21 Government. That, necessarily, involves the
22 consideration of the interest that the defendant
23 has in the case. You will consider the importance
24 to him of the outcome of the trial.
25

1 An accused person, having taken the witness
2 stand, is before you just like any other witness.
3 He is entitled to the same consideration, and he
4 may have his testimony measured in the same way
5 as any other witness.

6 Now, evidence has been introduced claiming
7 to establish a contention that the defendant was
8 not present at the time when, or at the place
9 where he is alleged to have committed the offenses
10 charged in the indictment.

11 If after consideration of all the evidence in
12 the case you have a reasonable doubt as to whether
13 the defendant was present at the time and place
14 the alleged offenses were committed, you must
15 acquit him.

16 The jury will always bear in mind that the
17 law never imposes upon a defendant in a criminal
18 case the burden or duty of calling any witnesses
19 or producing any evidence.

20 The defendant's position in the case is
21 that although he knew Christine Doolittle, that
22 he neither assisted her in the commission of a bank
23 robbery, or conspired with her or with others to
24 commit such an act. It is his position that
25 Christine Doolittle has lied out of a desire to

1 incur favorable treatment for herself, and out of
2 animosity for Ronald Stringer, because of his
3 unreturned love.

4 The verdict must represent the considered
5 judgment of each juror. In order to return a
6 verdict it is necessary that each of you agree
7 thereto. In other words, your verdict must be
8 unanimous.

9 It is your duty as jurors to consult with
10 one another, and to deliberate with a view to
11 reaching an agreement, if you can do so without
12 violence to individual judgment.

13 Each of you must decide the case for yourself,
14 but do so only after an impartial consideration of
15 the evidence with your fellow jurors.

16 In the course of your deliberations do not
17 hesitate to reexamine your own views, and change
18 your opinion, if you are convinced it is erroneous.
19 But, do not surrender your honest conviction as
20 to the weight or effect of evidence solely because
21 of the opinions of your fellow jurors, or for the
22 mere purpose of returning a verdict.

23 Now, upon retiring to the jury room you will
24 select from one of your number a foreman or
25 forelady -- a foreperson. And that individual will

1 preside as a kind of chairman over your delibera-
2 tions, to provide more or less organized
3 consideration of the issues which are before you.

4 After you have selected such a person, you
5 will refrain from considering the evidence until
6 the clerk brings in to you the exhibits in the
7 case, and a copy of the indictment. The reason
8 for that is simply this: after you retire either
9 or both attorneys may ask the Court to make more
10 clear some principle of law which relates to
11 matters which are before you. And if the Court
12 feels that either of them brings up a point that
13 I have overlooked, and should be considered, I
14 would immediately recall you and attempt to make
15 a further explanation of that particular point on
16 which counsel might request.

17 But when the Clerk brings in to you these
18 exhibits you will know then that you will not be
19 recalled out for further instruction, but will
20 proceed to conclusion with your deliberations.

21 Now, we have no alternates here. We have
22 12 jurors.

23 The jury may now retire.

24 (In the absence of the jury.)

25 THE COURT: Counsel, for the Government, do you

1 have any exceptions to note?

2 MR. SMITH: Yes, your Honor. During the
3 course of the Court's charge I believe the Court
4 indicated that in the course of consideration of
5 Miss Doolittle's testimony that the jury should
6 consider the Government's dismissal of charges
7 against her.

8 It is my recollection, if my recollection is
9 correct on that?

10 THE COURT: That's right.

11 MR. SMITH: The Government has never dismissed
12 any charges whatsoever against Christine Doolittle.
13 No charges have ever been brought against Christine
14 Doolittle by the Federal Government. And the
15 reason for this is that prosecution of people who
16 are under the age of 18 at the time of the
17 commission of an offense are governed by the
18 Federal Juvenile Delinquency Act.

19 That Act requires, as a matter of law, and
20 also as a matter of policy, that prior to the
21 initiation of any prosecution of a person under
22 the age of 18, and especially under the age of 16,
23 a pre-indictment hearing is required. And that
24 certification and approval be given by the Attorney
25 General, personally.

1 And it is my understanding from discussing
2 this with Mr. Dabrowski, who initially made the
3 decision that there would be no prosecution of
4 Miss Doolittle, that such authorization will not
5 be forthcoming unless the Government can certify
6 that the State will not prosecute the juvenile.

7 In this case the State of Connecticut is
8 prosecuting her. So the reason why she was not
9 prosecuted is because the State prosecution
10 precluded the Government from prosecuting.

11 THE COURT: Is there a State prosecution
12 pending?

13 MR. SMITH: I believe there is. Mr. Cramer
14 developed that during his examination of the witness
15 who had the juvenile court record. He indicated
16 that a disposition of this case is pending. She's
17 being adjudicated as a runaway and as a juvenile
18 delinquent.

19 THE COURT: Haven't there been some counts
20 dismissed as to her?

21 MR. SMITH: By the Government?

22 THE COURT: By the United States Government,
23 and the State Government? That includes State
24 Government, as well as Federal.

25 MR. SMITH: I believe there have been by the

1 State Court, but I don't know what those charges
2 are. In any event, all of these things, the
3 robbery and her prostitution convictions, and her
4 difficulties in California are lumped into the
5 State Juvenile Delinquency proceedings against her.

6 The reason I raised this, your Honor, is that
7 I think the jury at this point thinks that the
8 Government decided that we are not going to
9 prosecute Christine Doolittle in return for her
10 testimony, and she is walking away scot-free, when
11 the fact of the matter is that this bank robbery
12 forms the basis, or part of the basis of the State
13 juvenile proceedings against her. And we couldn't
14 do anything.

15 THE COURT: All right. Anything else?

16 MR. SMITH: Well, your Honor, in the event
17 that the Court decides to recall the jury to
18 correct this, I would submit a supplement, a
19 request for a supplementary instruction on aiding
20 and abetting.

21 But I won't submit that unless the Court
22 decides it will recall the jury.

23 MR. CRAMER: In response to Mr. Smith's
24 remarks, I think it was clear that the dismissal
25 charges -- your Honor gave a charge of dismissal of

1 other crimes. There was testimony that other
2 crimes, unrelated to this bank robbery, have been
3 dismissed. An inference was drawn that this was
4 done because of her cooperation with the Government.

5 A bank robbery charge is pending in Juvenile
6 Court in the State of Connecticut, and that was
7 made clear. The jury fully understands. Whether
8 the bank robbery charge is pending in Juvenile
9 Court in Connecticut or in Federal Court here
10 really makes no difference. So the underlying
11 purpose of the instruction is proper.

12 Now, I have some objections, your Honor, of my
13 own.

14 Your Honor gave an instruction on the elements
15 of bank robbery. You spoke about force and
16 violence. This indictment doesn't speak about
17 force and violence; it speaks about intimidation.

18 Under 2113(a) there are two types of ways
19 that a bank robbery can be committed. One by force
20 and violence, and the other by intimidation. This
21 indictment only alleges intimidation. The words
22 "force and violence" don't appear there.

23 Secondly, your Honor gave an instruction on
24 aiding and abetting. I don't recall your Honor
25 ever saying that they must first, or at some point

1 in time find that there was also a principal.
2 For aiding and abetting, unless the jury finds
3 that there is a principal --

4 THE COURT: Isn't that pretty obvious? This
5 girl went in and said she took a gun and held up
6 the bank and got \$4,475.

7 MR. CRAMER: I think the jury still has to
8 find -- the evidence is pretty overwhelming --
9 but I still think the jury must understand that.
10 There are cases where evidence is not in dispute,
11 many cases --

12 THE COURT: In some cases I would agree with
13 you.

14 MR. CRAMER: The third element is that your
15 Honor spoke about the prior convictions of
16 Mr. Stringer, as a matter of impeaching his
17 credibility. There was no mention of the prior
18 convictions of Miss Doolittle -- prostitution
19 convictions, for example -- to reflect upon honesty.
20 I think that gave a distorted picture.

21 The last point, what I think your Honor did,
22 and I object to your Honor singling out the interests
23 of the defendant, Ronald Stringer, and his interest
24 in the outcome of the case, and not including a
25 general instruction on the interests of all persons.

1 THE COURT: That was covered by reference at
2 the very beginning: you should not single out one
3 instruction alone, but you should consider the
4 instructions as a whole.

5 MR. CRAMER: Well, all right. By saying "all
6 right" I'm not indicating I agree. I am maintaining
7 my objection for the record. But, I understand
8 your Honor's position.

9 THE COURT: Very well.

10 The only thing that concerns me at this point,
11 that Mr. Cramer mentions, about force and violence
12 and intimidation. The indictment reads "by
13 intimidation." It doesn't use the words "force
14 and violence."

15 But I think the intimidation, and the charge
16 that the Court gave concerning the toy gun is
17 sufficient to cover the matter. The Court will
18 let the charge stand.

19 Counsel will view the exhibits to see if they
20 are in order to be submitted to the jury. (Pause.)

21 Do counsel find the exhibits in order?

22 MR. CRAMER: Yes, your Honor.

23 MR. SMITH: Yes, your Honor.

24 THE COURT: Do counsel find the indictment in
25 order?

1 MR. CRAMER: Yes, your Honor.

2 MR. SMITH: Yes, your Honor.

3 THE COURT: The Clerk will bring them into the
4 jury room and report back.

5 THE CLERK: The jury has the indictment and
6 the exhibits, your Honor.

7 THE COURT: Court will stand in recess.

8 (Court was in recess until 2:30 p.m., when
9 the jury returned with their verdict.)

10 (In the presence of the jury.)

11 THE CLERK: Will the defendant please rise?

12 Ladies and gentlemen of the jury, have you
13 agreed upon a verdict?

14 THE FOREMAN: We have.

15 THE CLERK: Will the foreman please identify
16 himself by name for the record?

17 THE FOREMAN: Hal Harrison.

18 THE CLERK: What is your verdict on Count 1?

19 THE FOREMAN: Guilty.

20 THE CLERK: What is your verdict on Count 2?

21 THE FOREMAN: Guilty.

22 THE CLERK: Ladies and gentlemen, kindly
23 listen to your verdict as received by the Court.
24 In the case of the United States versus Ronald
25 Stringer, the verdict of the jury is guilty as

1 J O S E P H C A M P B E L L, appearing
2 as a witness, being duly sworn, testified as follows:

3 THE CLERK: Would you state your full name?

4 THE WITNESS: Joseph Campbell.

5 THE CLERK: Your address?

6 THE WITNESS: Boulderview Court, in Durham.

7 DIRECT EXAMINATION BY MR. SMITH:

8 Q Mr. Campbell, are you employed?

9 A Yes.

10 Q Will you tell the members of the jury what you do
11 for a living?

12 A Assistant Vice President Security Officer for
13 Permanent Savings & Loan.

14 Q Did you hold that job on January 9, 1976?

15 A Yes.

16 Q Would you tell us what your duties are; what are
17 the duties of the Vice President and Security Officer?

18 A Well, my basic function is an accounting officer,
19 and in charge of the security for the Association. I
20 maintain security files. I make sure that all employees are
21 familiar with the security procedures of the bank.

22 Q Your bank was robbed on January 9, 1976, correct?

23 A Yes.

24 Q Did you actually see that robbery take place?

25 A No.

1 BY MR. SMITH:

2 Q Now, Mr. Campbell, have you ever heard the term
3 "bait money"?

4 A Yes.

5 Q Would you tell the members of the jury what exactly
6 bait money is?

7 A Well, it is money that we require all tellers to
8 have in their drawer. And what it is, it is normal currency
9 that the tellers give -- all tellers are required to make up
10 a list which includes the Federal Reserve Bank, the serial
11 number, the denomination of the currency. And they also
12 put on their teller number, the window where that currency
13 is kept.

14 And I maintain a file of that, as well as the
15 supervisor of all of the tellers.

16 Q Do you know whether Teller Window Number 10 had
17 bait money on the day of the robbery?

18 MR. CRAMER: Objection. I would like to
19 approach the Bench.

20 (The following transpired at the Bench:)

21 MR. CRAMER: Apparently at this point the
22 Government intends to introduce a bait money list
23 that was in existence at the bank at the time of
24 the robbery on January 9th.

25 Now, we talked to this particular witness at

1 length, and it is our feeling that the Government
2 cannot establish the existence of a bait money list,
3 for a number of reasons. What I am leading up to,
4 I think there should be an offer of proof, in a
5 question and answer form, outside the presence of
6 the jury.

7 I will tell your Honor specifically why I do
8 not think they can establish the existence of the
9 list. I don't think the witness can testify who
10 prepared the list. There is a list in existence,
11 and I don't think the witness can testify who
12 prepared the list. I don't think the witness can
13 testify who made the copy of the list, which is
14 what I think the Government now has.

15 The witness can't testify when the list was
16 prepared; can't testify whether any money was
17 interchanged after the list was prepared.

18 In other words, when the money was set aside,
19 the money to go back and forth between the general
20 funds in the drawer, and the money was set aside
21 as bait money.

22 MR.SMITH: Everything Mr. Cramer has said is
23 proper on cross examination. It is improper at
24 this time. The question calls for a yes or no
25 answer.

1 As far as all of Mr. Cramer's allegations that
2 we can't establish this, and we cannot establish
3 that, I have been over all of these, and I was
4 aware of Mr. Cramer's claim, from talking to these
5 witnesses myself. And we can establish it.

6 Everything he states goes to the weight,
7 rather than the admissibility. And it is improper
8 to take and argue weight to the Court.

9 We should be permitted to lay the foundation
10 and get an answer to the question with a simple
11 yes or no. And then your Honor will rule, after
12 he has heard the witness' response, if it is
13 admissible as a business record.

14 MR. CRAMER: Well, my position, your Honor,
15 is that first of all it doesn't go to the weight;
16 it goes to the admissibility. There is no case
17 that I could find exactly in point, but there is a
18 case closely in point. The Chief Judge of the
19 Western District, in United States versus
20 Eisenberg -- I think it is 323 Federal Supplement --
21 it is not exactly in point, but it talks about
22 why bait money in a particular case was admissible.
23 And the witness in that case was able to establish
24 when the bait money was prepared. The witness who
25 prepared the bait money was able to testify.

1 If this witness prepared the bait money, and
2 was actually present when this bait money list
3 was prepared, I would withdraw my objection.

4 MR. SMITH: How about this: I am going to
5 establish through the next witness, who was the
6 teller, that she took a physical inventory of the
7 bait money in the drawer, and compared it against
8 bait money, the bait money list. And it does
9 not make any difference who prepared the list.
10 The teller is going to say she inventoried the
11 money and compared it against the list, and it was
12 there.

13 THE COURT: All right, the objection is
14 overruled.

15 (The following transpired in open court:)

16 BY MR. SMITH:

17 Q Do you know, Mr. Campbell, if Teller Window Number
18 10 had bait money at the time of the robbery?

19 A Yes.

20 Q Now, you said that you keep a list of the serial
21 numbers of this bait money; is that correct?

22 A Yes.

23 Q And the bank employees are given instructions as
24 to what to do with the bait money?

25 A Yes, they are.

1 Q Are they ever given instructions with what not to
2 do with the bait money?

3 A Yes, they are told not to give it out during a
4 normal transaction. Normal means, you know, just a normal
5 transaction that occurs daily.

6 Q Other than the fact that the serial numbers are
7 recorded, the bait money is exactly the same -- looks the
8 same as any other money?

9 A Yes, it is normal currency.

10 THE COURT: What are their instructions in
11 case of a robbery?

12 THE WITNESS: They are told, if at all
13 possible, to give it out, as long as they don't
14 feel it might endanger them.

15 BY MR. SMITH:

16 Q Did all of the windows at the Permanent Savings &
17 Loan have bait money that day?

18 A Yes.

19 MR. CRAMER: Objection. I don't know how he
20 would know that, unless he has some basis.

21 MR. SMITH: Your Honor, he is the Assistant
22 Vice President and Security Officer.

23 THE COURT: On cross examination you can ask
24 him how he knows.
25

1 BY MR. SMITH:

2 Q Now, do you have a list of the money that was at
3 Teller Window Number 10 on the date of the robbery?

4 A Yes, sir.

5 Q Do you have that with you?

6 A I have a copy of it with me, yes.

7 Q Did you provide a copy of that list to the FBI?

8 A Yes, and the Meriden Police Department.

9 MR. SMITH: Can I have this marked for
10 identification?

11 THE COURT: It may be marked Exhibit 2 for
12 identification only.

13 BY MR. SMITH:

14 Q Mr. Campbell, showing you this document, which is
15 marked Government's Exhibit Number 2 for identification, I
16 ask you to look at that and tell us, do you recognize that
17 document?

18 A Yes, I do.

19 Q And what is it?

20 A It is a list of the bait money at Window Number 10.

21 Q Do you recognize the stationery?

22 A Yes, it is Permanent Savings & Loan stationery.

23 Q Is this document, this type of document, made and
24 maintained in the ordinary course of your banking business?

25 A Yes.

1 Q Is it made contemporaneously with the making up of
2 a bait money package?

3 A I'm not sure if I understand you.

4 Q When a bait money package is made up the serial
5 numbers are recorded, correct?

6 A Yes.

7 Q And they are recorded at the time that the bait
8 money package is made up?

9 A Yes, by the teller that makes up the list.

10 Q Now, do you maintain this list in the bank in the
11 ordinary course of business?

12 A Yes.

13 MR. SMITH: Your Honor, I move for the
14 admission of this as a full exhibit.

15 MR. CRAMER: I would like to have some voir
16 dire on this, your Honor.

17 THE COURT: Proceed.

18 BY MR. CRAMER:

19 Q This exhibit that you just looked at, Mr. Campbell,
20 you didn't prepare that list, did you?

21 A No.

22 MR. SMITH: Objection, your Honor. That goes
23 to the weight, rather than the admissibility. It
24 is outside the scope of my questioning of the
25 witness.

1 It is improper voir dire. It is proper for
2 cross examination.

3 THE COURT: Objection overruled.

4 BY MR. CRAMER:

5 Q Were you present when this list was prepared?

6 A No, I wasn't.

7 Q Can you say who prepared this list? The name of
8 the person who prepared this list?

9 A No, I can't.

10 Q In fact, if you checked your records there would
11 be no way you could determine who prepared this list?

12 A That's correct.

13 Q In fact, there is no way you could determine when
14 the list was prepared; isn't that correct?

15 A That's correct.

16 Q Now, the exhibit you were shown was a copy; is
17 that correct?

18 A Yes.

19 Q Were you present when the copy was made of the
20 original?

21 A I'm not sure.

22 Q Did you make the copy?

23 MR. SMITH: Your Honor, I object. If he wasn't
24 present then he couldn't have made the copy.

25 THE COURT: It may have been made under his

1 direction and supervision. I don't know. Nobody
2 asked him that yet.

3 BY MR. CRAMER:

4 Q Do you know who made the copy?

5 A That particular copy there?

6 Q Yes.

7 A I'm not sure.

8 Q Now, this particular copy, you didn't direct
9 somebody to make this particular copy, did you?

10 A I might have. I'm not sure.

11 Q You just don't recall?

12 A No.

13 Q Now, this particular copy refers to a list for
14 Window Number 10; is that correct?

15 A Yes.

16 Q That is a teller's window, Number 10?

17 A Yes, it is.

18 Q Now, is it correct to say that the teller who was
19 at Window Number 10 when this list was prepared was not the
20 same person who was at the teller window at the date of the
21 bank robbery?

22 MR. SMITH: Your Honor, I object. That is
23 outside the scope. It has nothing to do with the
24 admissibility of the document. It is proper for
25 cross examination.

1 MR. CRAMER: I think the Government is trying
2 to draw the inference that the person at Window
3 Number 10 on the date of the bank robbery is the
4 one who drew up the list.

5 MR. SMITH: Absolutely not.

6 THE COURT: Why don't we establish where is
7 this list kept?

8 THE WITNESS: It is kept -- I keep it in my
9 files, as well as the supervisor of the tellers,
10 who maintains the original.

11 THE COURT: The supervisor of the tellers?

12 THE WITNESS: The supervisor of all the
13 tellers, yes.

14 THE COURT: Who is the supervisor of all the
15 tellers?

16 THE WITNESS: Right now it is Charlotte Dirgins,
17 Assistant Treasurer of the Association.

18 THE COURT: Charlotte who?

19 THE WITNESS: Dirgins -- D-i-r-g-i-n-s.

20 THE COURT: Her title now is what?

21 THE WITNESS: Assistant Treasurer of the
22 Association.

23 THE COURT: And under your rules and
24 regulations she would have a copy, and you would
25 have a copy; is that right?

1 THE WITNESS: That's correct.

2 THE COURT: Who else keeps a copy?

3 THE WITNESS: We would be the only two people
4 that would have copies.

5 THE COURT: Is there one kept in the drawer
6 itself, by the teller?

7 THE WITNESS: No.

8 THE COURT: Who audits the items in the
9 teller's box, to determine that these particular
10 numbered bills are in her teller's box?

11 THE WITNESS: Well, when the list is made up
12 it is checked at that time for its accuracy.

13 THE COURT: Who makes up the list? Who made
14 up this list?

15 THE WITNESS: Who made up that particular list
16 there?

17 THE COURT: Yes.

18 THE WITNESS: I can't answer that.

19 THE COURT: Do you know who would know it?

20 THE WITNESS: Without knowing the date in
21 which that list was made up -- I would have to know
22 the date to determine who Teller Number 10 was at
23 that date. And I just don't know the date that that
24 last was made up.

25 THE COURT: You say your title is Assistant

1 Vice President in charge of security; do you check
2 this list against the teller's box from time to
3 time, to verify that these numbers are what they
4 purport to be?

5 THE WITNESS: I verify that there is bait
6 money kept in the drawer. But I do not personally
7 verify the accuracy of the numbers, the serial
8 numbers.

9 THE COURT: Who does?

10 THE WITNESS: As I say, it is done at the
11 time the list is made up.

12 THE COURT: Who makes up the list?

13 THE WITNESS: The teller -- whoever Teller
14 Number 10 was at that given date.

15 THE COURT: Is that done daily?

16 THE WITNESS: No.

17 THE COURT: Weekly?

18 THE WITNESS: No. It is done periodically.
19 And there is no -- in other words, we have no set
20 procedure as to when the list is made up.

21 I try to -- and this is a personal decision on
22 my part -- I try to have the list made up
23 periodically. Now, it could be every three months,
24 every six months. But it is not made daily.
25 However, that teller uses that bait money to

1 balance their drawer out daily.

2 In this particular case that \$300 is included
3 in the teller's working cash total on every day's
4 settlement.

5 THE COURT: The instructions are that she
6 isn't to use it?

7 THE WITNESS: Correct.

8 THE COURT: But it is added in to the other
9 money, for purposes of giving a bottom line
10 balance; is that correct?

11 THE WITNESS: Correct.

12 BY MR. CRAMER:

13 Q Of course, Mr. Campbell, you have no way of
14 knowing whether she actually uses that money? That is,
15 intermingles it with the non-bait money in the drawer? If
16 that occurred you'd never know?

17 A The teller would not balance.

18 Q Well, if she had a thousand dollars in her general
19 funds in her drawer, and she had \$300 in bait money, the
20 total would be \$1300, right?

21 A Correct.

22 Q When you say the total balance would be \$1300, that
23 is what you know that she has at the end of the day? So, if
24 she took \$300 of bait money and put it in the general money,
25 and took \$300 out of the general money and put it in the bait

1 money, it would balance?

2 A The bait money is segregated in her drawer.
3 Normally it is not included in her working cash.

4 In other words, her working cash might be to her
5 right; her bait money might be to the left. So, it cannot
6 be given out very easily in the normal course of business.

7 Q But it could be?

8 A Oh, yes, it is possible.

9 MR. CRAMER: I have no further questions.

10 I move that the exhibit not be admitted.

11 MR. SMITH: I move it be admitted, your Honor,
12 as a business record, and maintained in the
13 ordinary course of business.

14 The jury is entitled to give it whatever
15 weight it feels it is entitled to.

16 Mr. Cramer has gone way beyond the scope of
17 the voir dire. The purpose of the voir dire is to
18 examine the foundation for the admissibility under
19 the hearsay rule.

20 THE COURT: Is this Dirgins girl -- is she
21 going to testify?

22 MR. SMITH: No, she is not, your Honor.

23 THE COURT: Is the teller going to testify?

24 MR. SMITH: Yes, she is.

25 THE COURT: The Court will sustain the

1 objection until the teller testifies.

2 BY MR. SMITH:

3 Q Mr. Campbell, directing your attention again to
4 Government's Exhibit Number 2 for identification, this is a
5 bait money list; is that correct?

6 A Yes.

7 Q When a new package of bait money is made up for a
8 particular teller window, what happens to the old list?

9 A They are destroyed.

10 Q And what happens to the new list?

11 A The new list is -- the list is not only made up
12 for one teller; it would be made up for all tellers. It is
13 maintained not only in my files, but in the supervisor of
14 the tellers' files.

15 Q At the time of the bank robbery did you have any
16 other list of bait money for Teller Window Number 10?

17 A No.

18 Q This was the only list of bait money you had for
19 Teller Window Number 10?

20 A Yes.

21 MR. SMITH: Your Honor, I move its admission.

22 THE COURT: May I see it, please.

23 It is your representation that this document,
24 Government's Exhibit Number 2 for identification,
25 is a document which is prepared and kept in the

1 ordinary course of business?

2 THE WITNESS: That's correct.

3 THE COURT: It is kept and maintained under
4 your supervision?

5 THE WITNESS: That's correct.

6 THE COURT: What do you say to it being a
7 business record, Counselor?

8 MR. CRAMER: I don't think it is admissible
9 under 803-6.

10 Once again, he made a conclusory statement
11 that it is made in the ordinary course of business.
12 But he not only didn't make it; he wasn't present
13 when it was made and can't tell who made it. He
14 wasn't present when it was copied, and doesn't
15 know who copied it.

16 It is not only a problem under the business
17 records rule, but there is a problem under the
18 change of circumstances. I think in the Eisenberg
19 case, in the Western District of Pennsylvania,
20 in which the bait money was admitted, that that is
21 in marked contrast to the foundation laid in this
22 case.

23 It is a crucial part of the case. The
24 Government had the opportunity to bring in the
25 proper person, and failed to do so.

1 THE COURT: The Court will allow it as a
2 business record. It is up to the jury to evaluate
3 its reliability as a document.

4 BY MR. SMITH:

5 Q Now, there are a number of bills which are
6 described here on Government's Exhibit Number 2. And this
7 lists denominations, twenties, tens, and fives, and the banks
8 of issue, San Francisco, Richmond, and so on and so forth,
9 and serial numbers, correct?

10 A Yes.

11 Q The information on this -- correct me if I am wrong --
12 this is a description of currency, correct?

13 A Correct.

14 Q Can you tell us where the currency which is
15 described on this list was at the time of the bank robbery?
16 Where was this currency, physically located, on the basis of
17 this business record?

18 A Window Number 10.

19 Q Who was the teller at Window Number 10?

20 A Maureen Reed.

21 Q This is not a list of all the money that was at
22 Window Number 10, correct?

23 A Correct.

24 Q Just what kind of money?

25 A Just the bait money.

1 doesn't mix it up?

2 A No, that is not the purpose of it.

3 Q You didn't have this particular system in existence
4 on January 9, 1976; is that correct?

5 A That's correct.

6 Q So that at the time if a teller mixed up bait
7 money, and intentionally mixed it with the general funds,
8 no one would know about it -- other than perhaps the teller?

9 A I think I answered that earlier: the teller would
10 not balance if that were the case. If the teller includes
11 bait money in her total at the end of the day, the \$300 --
12 if the teller in error had given out her bait money, she
13 would not be in balance.

14 Q Unless of course she took general money and put it
15 in and replaced it with the bait money?

16 A Correct.

17 Q What you mean to say, if I am not mistaken, is that
18 if a teller were to steal money she wouldn't be able to do
19 it, because it wouldn't balance. But, if she wanted to
20 interchange money she could do it every day, and nobody would
21 know the difference; is that correct?

22 A I'm not sure if I understand your question.

23 Q Well, if a teller, for whatever reason, wanted to
24 take, or inadvertently took bait money from one part of the
25 drawer, and put it in with general money, and then put general

1 money back into the bait money, it would balance at the end
2 of the day, if the same amount of money was --

3 A That's correct, that's correct.

4 Q Once again, you don't know who prepared that
5 particular bait money list?

6 A That's correct.

7 Q You don't know when it was prepared?

8 A That's correct.

9 Q And although you say it was prepared in the regular
10 course of business of the bank, you don't even know if it was
11 prepared accurately? That is, the person who prepared it
12 matched the numbers that they put in the list with the
13 actual federal reserve notes that were in the drawer?

14 A I could not personally verify its accuracy.

15 Q So you can't testify under oath that it is correct,
16 that it is accurate?

17 A That's correct.

18 Q Also, of course you don't know the date it was
19 prepared?

20 A That's correct.

21 MR. CRAMER: I have no other questions of
22 this witness.

23 (Witness excused.)
24
25

1 A Window Number 10.

2 Q How long had you worked at the Permanent Savings &
3 Loan Association as of January 9th?

4 A A year and a half.

5 Q Now, would you tell us what if anything happened
6 to you that afternoon? And tell us with as much detail as
7 you can remember.

8 A Okay. About ten after four in the afternoon I was
9 standing at my window, and I was talking to Cathie Hurl, and
10 we were sitting there talking. And I seen a young girl
11 approach my window. And I turned around, and I looked at
12 her, and she came to my window and tossed a note over the
13 counter.

14 I started to read it, and I got to the part that
15 "This is a stickup, I'll blow your head off."

16 So I looked up, and by that time she had a gun
17 pointing at my neck. It was partially covered by a scarf.

18 So, she tossed over a brown, plastic bag. It
19 looked like a clothing bag. It was turned inside out, with
20 gold lettering on the inside. And she told me to put the
21 money in there.

22 So I took all the money, all the cash out of my
23 drawer, including \$300 in bait money, and some fifties that
24 I had -- I had a thousand strap of fifties, and the strap
25 had "one thousand" on it, and I threw it all inside the bag.

1 And she kept telling me, about three times, to hurry up or
2 she'd kill me.

3 Right before she left she said "If you tell anyone
4 about this I'll kill you."

5 Is it all right if I describe her?

6 Q Sure. Go ahead, please.

7 A She's about five-four, and she had reddish brown
8 hair. It was tinted on the side. Her face and her hands
9 looked like they were chapped. They were very red. And
10 she had on gold, wire rims. They were tinted dark.

11 She had a long, black maxi coat -- it didn't have
12 any stitching in it. It wasn't fancy or anything. It was
13 a long, black maxi coat. And the gun was silver. I could only
14 see about an inch of it. She had it covered.

15 Q What did she have it covered with?

16 A It looked like a scarf.

17 Q Did you know at the time whether it was a real gun
18 or a toy gun?

19 A No, it looked real to me.

20 Q It seems like a silly question, but what was your
21 reaction?

22 A I was scared. Very afraid.

23 Q In fear for your life?

24 A Right.

25 Q Now, Maureen, you talked about a note.

1 was around the bottom of it -- of the gun. And only about
2 an inch of it showed.

3 She was holding it with both hands. She was very
4 nervous, and her hands were shaking.

5 Q Trembling?

6 A Yes.

7 Q I believe you also said something about the bait
8 money?

9 A Right.

10 Q You said that you gave her --

11 A I gave her the bait money, \$300.

12 Q Are you absolutely sure about that?

13 A Yes.

14 Q Do you have any idea how much money in all you gave
15 to her?

16 A It would have to be over \$4,000.

17 Q Now, showing you Government's Exhibit Number 2,
18 which is a list, I ask you to look at that.

19 Do you recognize that list?

20 A It was the list of the bait money I had in my
21 drawer at the time.

22 Q Now, how long had you been working at Teller
23 Window Number 10, on the date of the robbery?

24 A About a month and a half.

25 Q When you first came to Teller Window Number 10 did

1 you conduct any kind of a physical inventory of the money
2 that was there?

3 A Yes, you check your bait money back to the list,
4 and you also count all the other cash you have in your
5 drawer, and what you might have in the vault

6 Q Do you know whether you compared the bait money in
7 your drawer against that particular list?

8 A Yes, I did.

9 Q And the money which was in your drawer matched --

10 A Matched the list.

11 Q Now, can you tell us whereabouts Teller Window
12 Number 10 is, in relationship to the door of the bank, and
13 to Carrol Dittberner?

14 A Immediately, as you walk in the front door,
15 Carrol's desk is on the left, and I'm the first teller
16 window on the left.

17 Q Did you see anyone else with this young girl during
18 the robbery?

19 A No.

20 Q Directing your attention to the young gentlemen
21 sitting at defense counsel table, in the green coat, did you
22 see him in the bank on that day?

23 A No.

24 Q Do you recall whether you have ever seen him in the
25 bank?

1 A No.

2 MR. SMITH: I have nothing further, your Honor.

3 CROSS EXAMINATION BY MR. CRAMER:

4 Q Miss Reed, this bait money that was in your drawer --
5 well, let me withdraw that question.

6 About how long had you been at Window Number 10?

7 A About a month and a half.

8 Q And that list of bait money you were shown, you
9 didn't prepare that list? You didn't make that list up?

10 A No, I didn't make that list up, no.

11 Q And now when you say you were there a month and a
12 half, at Window Number 10, were you there every day, or did
13 you ever work at another window?

14 A Previously we worked at other windows, but that
15 month and a half I was at that window.

16 Q Did you ever miss some days out of that month and
17 a half period?

18 A I don't think so.

19 Q How long have you been working at the Permanent
20 Savings & Loan Association?

21 A It was a year and a half at the time.

22 Q Are you still working there?

23 A No.

24 Q During that year and a half I assume you were a
25 teller at a variety of windows?

1 A Yes.

2 Q And is it correct to say that as soon as you went
3 to a window that your recollection is that you checked the
4 money in the bait section with the money in the list?

5 A Yes.

6 Q You always do it?

7 A Yes.

8 Q It became kind of a mechanical thing that you did
9 after a while; is that correct?

10 A Yes.

11 Q You did it sort of unthinking -- sort of
12 mechanically?

13 A No, you had to check it back, to make sure there
14 was --

15 Q When you checked it back did you report to anyone
16 that you had done it?

17 A You'd give the list back, I believe, to
18 Charlotte Dirgins. She had the list for the bait money to
19 each drawer, and you had to return it to them.

20 Q Where did you get the list in the first place, from
21 Charlotte?

22 A Charlotte would hand it out, or Joe Campbell.
23 Either one of them.

24 Q Did you sign any paper "I checked this out as
25 directed," or did you just hand it back and say okay?

1 A We would check, and another teller would check,
2 or Charlotte would check it, to double check.

3 Q On this particular instance did anybody double
4 check what you did on Window Number 10?

5 A On what particular -- ? I don't understand.

6 Q The last window you worked out of, before the bank
7 robbery, was Window Number 10?

8 A Yes.

9 Q And you stated that at the time you first went to
10 Window Number 10 you recall you checked out the bait money
11 to match the list that you got from Charlotte?

12 A Right.

13 Q And that particular incident, did anybody else
14 check you to make sure you did it properly? Or don't you
15 recall?

16 A I know someone did. I don't recall who, but we
17 always had to have someone else check it.

18 Q But again, no records were kept saying that this
19 window has been checked out?

20 A I don't --

21 Q This is just your recollection of the way things
22 were done?

23 A I don't know if they made a list. No, I don't know.

24 Q And during that month and a half that money was
25 loose in your general drawer, wasn't it? It was in a separate

1 A No.

2 Q They were loose?

3 A Yes.

4 Q And about how far are they, physically, from the
5 rest of the money in the drawer? An inch, two inches, three
6 inches?

7 A They'd be separated by metal slots.

8 Q Metal slots? How high are the metal slots?

9 A This high (indicating).

10 Q If you had \$4,000 in your drawer, that would have
11 come above the metal slots, correct?

12 A There was twenties and fives -- they are laying
13 flat inside your drawer. No, it wouldn't.

14 Q Getting to the incident on January 9, 1976, this
15 young woman who came in, to the best of your recollection
16 she was by herself?

17 A Yes.

18 Q There was no indication that anyone was with her?

19 A No.

20 Q She looked like she knew what she was doing?

21 A She was very frightened, but she knew enough to
22 put the gun at my head.

23 Q She seemed very tough, very hardened to you?

24 A Yes.

25 Q Was she wearing anything on her hands? Gloves on

1 THE WITNESS: Okay.

2 DIRECT EXAMINATION BY MR. SMITH:

3 Q How old are you, Christine?

4 A Sixteen.

5 Q When is your birthday?

6 A January 13th.

7 Q You live at home?

8 A Yes.

9 Q Do you have any brothers or sisters?

10 A Yes.

11 Q How many do you have?

12 A Four sisters and one brother.

13 Q Tell us their names and ages?

14 A Delores -- I don't know how old she is; Antoinette
15 Doolittle; David Doolittle, and Linda Doolittle.

16 THE COURT: Can everybody hear that? Read
17 that back, please.

18 (Last answer read back.)

19 MR.SMITH: Your Honor, may I move this
20 podium back here, so that I can make sure that I
21 can hear the witness, then everybody else will be
22 able to.

23 BY MR. SMITH:

24 Q Are both of your parents living together, Chris?

25 A Yes.

- 1 Q Have you ever used marijuana?
- 2 A Yes.
- 3 Q Have you ever used cocaine?
- 4 A Yes.
- 5 Q Have you ever used other drugs, like pills, for
6 example?
- 7 A Yes.
- 8 Q Have you ever supported yourself as a prostitute?
- 9 A Yes.
- 10 Q Have you ever worked as a prostitute in Connecticut?
- 11 A Yes.
- 12 Q In New York City?
- 13 A Yes.
- 14 Q California?
- 15 A Yes.
- 16 Q Have you ever been arrested f r prostitution?
- 17 A Yes.
- 18 Q In some of these states?
- 19 A Yes.
- 20 Q In New York City?
- 21 A Yes.
- 22 Q Now, have you ever been arrested for prostitution
23 in California?
- 24 A Yes.
- 25 Q Now, Christine, were you living at home with your

1 parents when you got arrested on these charges?

2 A No.

3 Q Recently also you have been charged by the
4 juvenile authorities in the State of Connecticut as a
5 runaway?

6 A Yes.

7 Q Are you awaiting sentencing on those charges?

8 A Yes.

9 Q Would you tell the members of the jury -- and try
10 to keep your voice up -- when it was that you first ran away
11 most recently?

12 A In January.

13 Q January of what year?

14 A '76.

15 Q How long were you gone?

16 A Nine months.

17 Q Is this the first time you have run away from home?

18 A No.

19 Q You have run away from home other times; is that
20 correct?

21 A Yes.

22 Q Before your running away in January, when was the
23 last time you had run away?

24 A In November.

25 Q November of 1975?

1 A Yes.

2 Q Whereabouts did you live when you were a runaway?

3 A In Meriden.

4 Q Whereabouts in Meriden?

5 A On Twiss Street.

6 Q Did you live in any other parts of the United
7 States when you were a runaway the last time?

8 A Yes.

9 Q Whereabouts?

10 A New York; San Francisco, California.

11 Q Now, when you were out in San Francisco,
12 California, you were also involved in a robbery out there;
13 is that correct?

14 A Yes.

15 Q And you were working as a prostitute at the time,
16 correct?

17 A Yes.

18 Q What happened to those charges in California?

19 A I don't know.

20 Q Do you know whether they are still pending, or
21 whether they have been consolidated?

22 A I think they are still pending.

23 Q Did anyone ever tell you that if you came here and
24 testified we would take care of those charges and have them
25 wiped out?

1 A No.

2 Q Is it fair to say you are hoping for the best?

3 A No.

4 Q Now, have I, or has anyone else working with the
5 Government promised you anything?

6 A No.

7 Q Have I had a discussion with you fairly recently
8 about the necessity for telling the truth here?

9 A Yes.

10 Q Did you ever hear me mention the word "perjury"?

11 A Yes.

12 Q What was said about that?

13 A If I didn't tell the truth, that I would be
14 charged with perjury.

15 Q Now, directing your attention to the afternoon,
16 Christine, of January 9, 1976, did you rob the Permanent
17 Savings & Loan Association on that day?

18 A Yes.

19 Q Did anyone else participate in that robbery with
20 you?

21 A Yes.

22 Q Who?

23 A Ronald Stringer and -- I don't know the other man's
24 name.

25 Q I didn't hear the last part of what you said.

1 A I said Ronald Stringer, and I don't know the other
2 man.

3 Q There was another man?

4 A Yes.

5 Q Will you describe what this other man looked like?

6 A I don't know, medium height -- I don't know.

7 Q How about the age?

8 A Twenties, I guess.

9 Q A white guy, or black?

10 A Black man.

11 Q Can you tell us anything about how he wore his hair?

12 A Afro.

13 Q He had an afro?

14 A Yes.

15 Q Can you tell us, to the best of your recollection,
16 what this man looked like?

17 A Medium height, afro, shades -- sunglasses. I don't
18 know anything else.

19 Q Christine --

20 A Medium weight.

21 Q Christine, I am having a difficult time hearing you.
22 I want you to make a conscious effort to keep your voice up,
23 so these gentlemen at the end of the jury box can hear you.
24 Okay?

25 A Okay.

1 Q Now, at the time that this robbery took place
2 were you living at home?

3 A No.

4 Q When did you run away?

5 A Around January 3rd.

6 Q Where were you living at the time this robbery took
7 place?

8 A On Twiss Street in Meriden.

9 Q With whom, if anyone, were you living?

10 A Ronald Stringer.

11 Q How long had you been living with Stringer?

12 A About a week.

13 Q Is this the first time you had been living with
14 Ronald Stringer?

15 A No.

16 Q When was the first time that you lived with Ronald?

17 A In November.

18 Q November of what year?

19 A '75.

20 Q How long had you lived with him in November of 1975?

21 A I guess about two weeks, a week.

22 Q You are not sure?

23 A No.

24 Q Whereabouts did you live with him in November of
25 1975?

1 A On Twiss Street.

2 Q The same place?

3 A Yes.

4 Q Now, prior to the time that you first walked into
5 this bank, on January 9, 1976, did you have a discussion
6 with Ronald Stringer about this bank robbery?

7 A Yes.

8 Q When was the first time you discussed committing
9 this bank robbery with Ronald Stringer?

10 A The night before.

11 Q That would have been the 8th?

12 A Yes.

13 Q Do you know what day of the week the robbery took
14 place on?

15 A Friday, I think.

16 Q So you had a discussion with him, your first
17 discussion, on Thursday evening?

18 A Yes.

19 Q Okay. Now, Chris, I want you to take it slowly,
20 and with as much detail as you can remember, would you tell
21 the members of the jury exactly what conversation you had
22 with Ronald Stringer on Thursday night? Who said what?
23 When was it said? And just do your best in recalling it.

24 A Ronald asked me if I ever thought about robbing a
25 bank before, and I laughed at him.

1 Q Whereabouts did this conversation take place?

2 A In his bedroom.

3 Q About what time?

4 A Oh, 11:00, 11:30.

5 Q You were preparing to do what?

6 A Go to bed.

7 Q Who else, if anyone, was there at the time?

8 A No one.

9 Q You say Ronald asked you if you ever thought about
10 committing a bank robbery?

11 A Yes.

12 Q Do you remember if he said anything else?

13 A He said that he went into the bank and checked it
14 out, where the cameras were.

15 Q Did he say when he went into the bank and checked
16 it out?

17 A No.

18 Q Did he tell you how he went in, and what he said
19 when he was in the bank?

20 A No.

21 Q Did he say anything about a loan?

22 A Yes, he said he went in, you know, filled out
23 loan applications.

24 Q And what else did he tell you?

25 A Nothing that I can remember.

1 Q Had you used drugs that day?

2 A No, just smoked marijuana.

3 Q Did anything else take place pertaining to that
4 bank robbery on Thursday night, that you can remember?

5 A Someone came to the door, but I don't know who it
6 was.

7 Q That individual came to the door -- did he come
8 into the apartment at all?

9 A No. Maybe the kitchen, but I was in the living room.
10 I don't know.

11 Q Where was Ronald when this individual came into the
12 apartment?

13 A In the living room. He went to answer the door.

14 Q Do you know, by the way, how old Ronald is?

15 A I don't know. He's about 23, 24.

16 Q Did you ever tell him that your name was Chris
17 Doolittle?

18 A Yes.

19 Q Are you sure about that?

20 A Yes.

21 Q Did he know how old you were?

22 A Yes.

23 Q Now, directing your attention to the morning --

24 THE COURT: Excuse me. How old were you at the
25 time?

1 THE WITNESS: Fourteen.

2 THE COURT: Fourteen.

3 BY MR. SMITH:

4 Q Directing your attention the morning of January 9,
5 1976, would you tell the members of the jury everything
6 that happened from the time you got up in the morning until
7 the time you left for the bank?

8 A Okay. I got up, and Ronnie started talking about
9 the bank again, robbing the bank. And I said I didn't want
10 to do it. And he said, you know, he knows where the cameras
11 are, which teller to go to, and, you know, everything that
12 would make it good, so that we wouldn't be caught, and would
13 make a lot of money.

14 THE COURT: Can everyone hear her?

15 A And then I just kept -- I didn't want to do -- I
16 kept saying I didn't want to do that. So he pulled out a
17 gun and he said I had to do it.

18 BY MR. SMITH:

19 Q He pointed this gun at you?

20 A Yes.

21 Q Do you remember what he said when he took the gun
22 out?

23 A He said "You are going to have to do it."

24 Q What else happened?

25 A Then after that he went into the living room, and

1 A Then after we shot up, me and Ronnie shot up.

2 THE COURT: Read that back, please.

3 (Answer read back.)

4 THE COURT: What do you mean by that, "me and
5 Ronnie shot off"? Tell us what happened, because
6 a lot of people don't know about these terms that
7 you use. Make it clear, please, what you mean.

8 THE WITNESS: Injected heroin.

9 THE COURT: Who did that? Did you inject some?

10 THE WITNESS: No, I didn't know how to do it.
11 Ronnie injected into my arm, and injected heroin
12 into my arm.

13 THE COURT: Did he take some, too, in his arm?

14 THE WITNESS: Yes.

15 BY MR. SMITH:

16 Q Had you shot heroin before that day?

17 A No.

18 Q About what time was this, that you used heroin in
19 the morning?

20 A I think it was about eleven, 11:30.

21 Q And then what happened, if anything?

22 A Then after we were sitting in the living room, and
23 another friend came up, and he was standing in the kitchen
24 talking. And I was in the living room. And then they were
25 talking about \$1,000, if he drove the car.

1 Q Before that had you had other conversations with
2 Ronald about the bank robbery?

3 A Did I have other conversations?

4 Q Before there was this conversation between this
5 unknown man and Ronald, did you talk with Ronald some more
6 about the bank robbery?

7 A Yes, we wrote a note -- before that we wrote a
8 note to give to the teller.

9 Q Showing you Government's Exhibit Number 4, do you
10 recognize this, Christine?

11 A Yes.

12 Q What is that?

13 A That's the note I wrote to give to the teller.

14 Q Whose handwriting is that in?

15 A Mine.

16 Q Tell the members of the jury exactly the procedure
17 that you followed in writing out that note.

18 A What do you mean?

19 Q Well, how did it come about -- how did you know
20 what to write?

21 A Ronnie told me to write it. He wrote it down, and
22 I copied it.

23 Q Ronald wrote it down and then you copied it?

24 A Yes.

25 Q How did you come to do that?

1 A Because he said to do that, copy it.

2 Q But that's not Ronald's handwriting; that's your
3 handwriting?

4 A Yes.

5 Q What happened to the piece of paper that Ronald
6 wrote this down on?

7 A I don't know.

8 Q Now you said that morning you had a conversation
9 about the teller in the bank, and Ronald having cased the
10 bank?

11 A Yes.

12 Q What did he say about the teller? Did he say
13 anything about a particular teller?

14 A He said the first teller there is no camera,
15 facing the first teller.

16 Q Did you have a gun when you committed this robbery?

17 A A toy gun.

18 Q It was a toy gun?

19 A Yes.

20 Q Would you tell the members of the jury how you got
21 this gun, and the circumstances leading up to this gun being
22 in your possession?

23 A Ronald went to a store and bought it.

24 Q Did you go with him to the store?

25 A No.

1 A Yes.

2 Q All right now, you indicated that you injected some
3 heroin yourself that day?

4 A Yes.

5 Q Was that the only time that day when you used
6 heroin?

7 A No.

8 Q When did you use heroin again?

9 A Around three o'clock.

10 Q Can you tell the members of the jury exactly --
11 the circumstances surrounding your using heroin the second
12 time on January 9th?

13 A I was really high already, and I didn't want to go
14 anymore, and I was really high, and Ronald said "Come on,
15 let's shoot some more."

16 Q Then what happened?

17 A Then he pulled me in the kitchen, and we did some
18 more.

19 Q You said he pulled you into the kitchen?

20 A Yes.

21 Q He didn't drag you by the hair or anything?

22 A No.

23 Q How would you describe the way he pulled you into
24 the kitchen?

25 A By the arms.

1 Q Forceably, like yanking you?

2 A No, grabbed me by the arm.

3 Q What did he say about using heroin again that day?

4 A He said "Come on, let's shoot some more; it will
5 make you feel more calm. Shoot some more."

6 Q More calm?

7 A Yes.

8 Q Did he use heroin later on that afternoon?

9 A Yes.

10 Q So there came a time when you left the apartment,
11 correct?

12 A Yes.

13 Q About what time was that?

14 A I guess about 3:30, a quarter of four.

15 Q And what did you do? Did you go directly to the
16 bank?

17 A No, we got in the other male's car and drove to
18 the circle where the houses were. Stopped there.

19 Q You say you went in a car?

20 A Yes.

21 Q Whose car was that?

22 A Ronald's friend's.

23 Q Do you know what kind of car that was?

24 A A brown Cadillac.

25 Q Are you sure it was a Cadillac?

1 A About five minutes, five, ten minutes.

2 Q And the purpose of your going over that route was
3 so that you would know what?

4 A Know where to go.

5 Q Now, after you finished going over the route, what
6 did you do

7 A He dropped me off at the bank.

8 Q Who dropped you off?

9 A Ronald and his friend dropped me off at the bank.

10 Q How far away from the bank were you left off?

11 A A few feet.

12 Q Then what did you do?

13 A I walked in the bank and went to the receptionist --
14 I thought it was a teller.

15 Q Now, before that, before you go into that, did you
16 see what Ronald and his friend did when you were left off?

17 A They went around the corner, like they were
18 going --

19 Q Did they tell you what they would be doing?

20 A They would be watching from the mall.

21 Q So then you did what?

22 A I went into the bank.

23 Q You had a gun pointed at your head in the morning,
24 or pointed at you in the morning, by Ronnie; is that correct?

25 A Yes.

1 Q How did you react to that?

2 A I was scared.

3 Q My question to you is this, Christine: You were
4 frightened; why is it that when you were left off outside
5 the bank, and Ronald and his friend took off, why didn't you
6 just get onto a bus and go away? Why didn't you call the
7 police?

8 A Because they said they were going to be watching
9 me, anyhow.

10 Q Any other reason?

11 A I was scared they would get me.

12 Q And any other reason?

13 A No.

14 Q Why didn't you go to your mother's?

15 A Because I didn't think I'd be able to go back there.

16 Q You were a runaway?

17 A Yes.

18 Q How long before you were left off was it that you
19 shot up with heroin?

20 A About 45 minutes, half an hour.

21 Q 45 minutes or a half hour?

22 A Yes.

23 Q How did you feel?

24 A Nervous, high.

25 Q Now, will you tell the members of the jury what you

1 did from the time you entered the bank on? What did you do?

2 A I went to the receptionist first, and then I went
3 in to the teller and gave the note.

4 Q What happened then?

5 A Then she gave me all the money and put it in the
6 bag.

7 Q What kind of a bag was it?

8 A I don't know. It was plastic or something.

9 Q Was there anything unusual about the bag?

10 A No, it was turned inside out.

11 Q Who turned it inside out?

12 A Ronald did.

13 Q Did he say why he was turning it inside out?

14 A So nobody would notice the writing that was on it.

15 Q Do you know where he got that bag?

16 A No.

17 Q Do you remember what you were wearing that day,
18 Christine?

19 A A long, black coat.

20 Q Was there any design on it?

21 A No, just plain.

22 Q When you walked into the bank whereabouts did you
23 have the demand note and the sheet and the gun?

24 A In my hand.

25 Q Right out in front of you?

1 A No, it was in my pocket, and I pulled it out.

2 Q Why is it that you went in and you went to the
3 receptionist?

4 A I thought she was a teller.

5 Q When you walked in the door who was the first
6 person you saw?

7 A The receptionist.

8 Q And had anybody ever told you to go to the first
9 person you saw?

10 A No, they said the first teller. I thought she was
11 a teller.

12 Q Ronald told you to go to the first teller?

13 A Yes.

14 Q So you went to the first receptionist?

15 A I thought she was a teller.

16 Q What did this girl at the desk say to you?

17 A She said "You have to go inside;" she's the
18 receptionist.

19 Q Did you get a chance to see her reaction, how she
20 reacted to this?

21 A She didn't react any way.

22 Q Didn't appear to react?

23 A No.

24 Q Now --

25 THE COURT: What did you say to her?

1 THE WITNESS: I don't know. I don't know if I
2 said anything. I think I might have showed her the
3 note or something, and she said to go inside.

4 BY MR. SMITH:

5 Q You might have shown the receptionist the note,
6 and she might have told you to go inside?

7 A Yes, I don't know what happened.

8 Q Now, there came a time when you went to a teller,
9 right?

10 A Yes.

11 Q Do you remember what you said to the teller and
12 what she said back to you?

13 A No. I gave her the note and I told her "Hurry up
14 and give me the money."

15 Q Do you remember what hand you were holding the gun
16 in?

17 A In my right hand.

18 Q Holding it in your right hand? Could you have been
19 holding it in both hands?

20 A No.

21 Q Are you sure of that?

22 A Yes.

23 Q Okay now, you handed this teller the demand note?

24 A Um-hum -- yes.

25 Q Can you tell us what the teller's reaction was?

1 A She was scared; nervous.

2 Q And how would you describe your own reaction?

3 A I was nervous, too; scared.

4 Q How long did this whole episode take inside the
5 bank?

6 A About five minutes.

7 Q What happened then?

8 A Then I walked out of the bank and ran up the hill
9 to the first house, to hide the money. Then I hid the money
10 under a board and ran to the second house, and sat there
11 until it got dark.

12 Then I put the toy gun in a clothes basket. Then
13 I walked outside of that one and went back to the third house
14 and sat on the porch.

15 Q Now you say you went to the first house; whereabouts
16 was this house located?

17 A On the hill up from the bank, right across the
18 street, almost -- up the hill from the bank, like right across
19 the street almost.

20 THE COURT: Up the hill from the bank, located
21 on the corner?

22 THE WITNESS: Yes.

23 BY MR. SMITH:

24 Q When you were going up to that house did you see
25 anyone?

1 Q Stringer arrived with his friend?
2 A Yes.
3 Q Who was driving the car?
4 A His friend.
5 Q The same brown Cadillac?
6 A Yes.
7 Q What happened then?
8 A Then I got in the car and got down in the back.
9 Q You got down in the back?
10 A Yes.
11 Q Laid down in the back seat?
12 A Yes.
13 Q What did you do then?
14 A Then we drove to Hartford, the Holiday Inn, in
15 Hartford.
16 Q Did you go and pick up the money?
17 A What?
18 Q Did you go and pick up the money?
19 A They already had it.
20 Q Who already had it?
21 A Ronald already had it.
22 Q How do you know he had it?
23 A He showed me the bag.
24 Q When did he show it to you?
25 A In the car.

1 Q When he and his friend picked you up he had the
2 money?

3 A Yes.

4 Q Did he say when he went back and got it?

5 A No.

6 Q Now, where did you say you drove, where you went
7 after that, Christine?

8 A To the Holiday Inn, in Hartford.

9 Q Did you drive directly to the Holiday Inn?

10 A Yes.

11 Q Didn't stop anywhere for food?

12 A No.

13 Q Did you have any conversation in the car on the way
14 out?

15 A Just that there was \$4,000.

16 Q Who said that?

17 A Ronald -- \$4,000.

18 Q Can you describe the atmosphere in the car, the
19 type of conversation, if any?

20 A No, just quiet.

21 Q No celebration?

22 A No.

23 Q Did you listen to the radio at all?

24 A Yes.

25 Q What was your purpose in doing that?

1 lobster?

2 A Then later some friends came over, a girl and a
3 guy, and we were snorting cocaine.

4 Q Do you know who this girl and guy were who came
5 over?

6 A No.

7 Q You snorted cocaine?

8 A Um-hum.

9 Q How did you happen to get the cocaine?

10 A I don't know. Ronald went out and then he came back
11 in.

12 Q About what time was it when Ronald went out?

13 A I don't know, about seven -- I think something like
14 that. I don't know.

15 Q Before you had the lobster, or after you had the
16 lobster?

17 A After.

18 Q After you had the lobster? Then what did you do?
19 Did you watch television at all that night?

20 A At eleven o'clock we watched the news.

21 Q Why did you watch the news?

22 A To see if there was anything about the robbery.

23 Q Any particular reason? Whose idea was it to watch
24 the news?

25 A We both wanted to watch it.

1 Q Okay. And what time did you go to sleep?

2 A I don't know. I didn't sleep good that night,
3 because I was on cocaine.

4 Q You were awake a good part of the evening?

5 A Yes.

6 Q And Ron Stringer was there with you?

7 A Yes.

8 Q You are certain this was the Holiday Inn?

9 A Yes.

10 Q No doubt about that in your mind?

11 A No.

12 Q It was in Hartford?

13 A Yes.

14 Q Not in Meriden, not New Haven, but Hartford?

15 A Yes.

16 Q Now, let me ask you about your criminal record.

17 You have a prostitution conviction in New York State?

18 A Yes.

19 Q That occurred in the winter of 1976; is that correct?

20 A Yes.

21 Q Ron Stringer had nothing to do with that?

22 A No.

23 Q And you had a prostitution conviction in New Haven,
24 Connecticut, in late January of 1976?

25 A No.

1 A Yes.

2 Q Did you compare this with the serial numbers of the
3 bank bait money list?

4 A Yes, I did, in his presence.

5 Q And were the bills which you took from Carroll
6 listed on that bait money list?

7 A Two of those bills were, yes.

8 Q The ten and twenty?

9 A A ten and twenty.

10 Q Did you give Mr. Carroll a receipt for the money?

11 A Yes, I did.

12 Q Showing you Government's Exhibit Number 8, I ask
13 you if you recognize Government's Exhibit Number 8?

14 A Yes.

15 Q What is it?

16 A That is the receipt that I furnished Mr. William
17 Carroll on January 16th for the \$10 bill and the \$20 bill
18 that I took from him that date. And I signed it with my name
19 and title.

20 Q The \$10 bill and the \$20 bill that you referred to
21 in the receipt here is the \$10 and the \$20 bill which
22 comprises Government's Exhibit Number 3? Compare the serial
23 numbers and make sure that is correct.

24 A They are correct.

25 Q It is the same bait money?

1 A It is the same bait money.

2 MR. CRAMER: I object to the conclusion. That
3 is for the jury to find. Saying that the money he
4 got from Mr. Carroll matched the list is one thing.

5 THE COURT: The Court will allow the answer to
6 stand. He compared the two. He had the list; he
7 had the money. It was the same bait money. It may
8 stand.

9 BY MR. SMITH:

10 Q Did you ever have occasion to actually see the
11 Cadillac which Ronald Stringer bought on January 10th, 1976?

12 A Yes.

13 Q What color was that Cadillac?

14 A It was dark green on the outside and dark green
15 interior.

16 Q Now, during the course of your conversation, your
17 interview with Ronald Stringer, did he say anything to you
18 about him having bought the car because he needed it for
19 some business that he was planning on going into?

20 A He didn't give me an explanation for why he bought
21 the car.

22 MR. SMITH: That's all.

23 CROSS EXAMINATION BY MR. CRAMER:

24 Q This conversation that you had with Mr. Stringer
25 was on January 15th, is that correct, 1976?

1 count, I would move for judgment of acquittal,
2 because what the Government really has here is
3 simply the testimony of an accomplice, substantially
4 uncorroborated. And it is insufficient to support
5 a judgment of conviction.

6 THE COURT: Motion denied.

7 MR. CRAMER: Your Honor, I intend to call
8 Ronald Stringer as a witness. Ronald Stringer has
9 a felony conviction for sale of narcotics.

10 THE COURT: How long ago?

11 MR. CRAMER: Back in '71. I move that that
12 be excluded.

13 If your Honor denies that motion, I ask that
14 according to the practice now in the Third Circuit
15 that I be allowed to refer to simply selling in
16 1971, without mentioning the nature of the
17 conviction.

18 He also has a misdemeanor conviction for
19 larceny, which was shoplifting. I don't think that
20 falls within Rule 609. And I don't think he should
21 be allowed to be impeached by that conviction,
22 either.

23 MR. SMITH: Your Honor, Mr. Stringer has two
24 larceny convictions. One of those -- I have copies
25 of the judgments in my folder. I don't believe they

1 specifically indicate that they are shoplifting.

2 The Government's intention is that even if
3 they were shoplifting, they are clearly
4 admissible for impeachment purposes, and under
5 Rule 603 --

6 MR. CRAMER: 609.

7 MR. SMITH: 609. These unquestionably,
8 larceny convictions go to honesty, and the rule
9 says if a conviction goes to honesty it is really --
10 it does not come in under the balancing test, but
11 the Court is obligated to allow the Government to
12 allow that for impeachment purposes.

13 To contend that it is shoplifting and that it
14 has nothing to do with honesty we submit is
15 preposterous. And there are two larceny
16 convictions, in addition to narcotics.

17 THE COURT: Does the penalty provide for a
18 penalty of a year or more?

19 MR. CRAMER: No, a year or less.

20 MR. SMITH: Your Honor, it doesn't make any
21 difference what the penalty is if it deals with
22 honesty, or a false statement. It can be used for
23 impeachment purposes.

24 THE COURT: I thought you were arguing
25 yesterday that the shoplifting of the Doolittle girl

1 couldn't be admitted for that purpose?

2 MR. SMITH: Oh, no, your Honor. He argued
3 that -- what I argued was that the shoplifting
4 violation of Miss Doolittle should not be admitted
5 because, number one, it was not an arrest; it was
6 not a conviction. It was outside the scope of --

7 THE COURT: Have you got the rule?

8 MR. SMITH: Right here.

9 THE COURT: Let's see it.

10 MR. SMITH: It is the dishonesty aspect.

11 MR. DABROWSKI: It is 609.

12 THE COURT: What do you say to that?

13 MR. CRAMER: My position is -- I read the
14 legislative history; my position is that in
15 referring to perjury and embezzlement, and crimes
16 specifically which call for dishonest statement, or
17 tend to --

18 THE COURT: It says dishonesty, or -- in the
19 alternative.

20 The Court will allow it, in light of the rule.

21 Normally I wouldn't have allowed it. But, it
22 has been called to my attention, Rule 609-2, which
23 would include it.

24 MR. CRAMER: I intend to call the defendant,
25 but I want to make it clear on the record that I am

1 not waiving my objection to having any of these
2 prior convictions allowed in. I will refer to it
3 on direct examination, to defuse the cross
4 examination of this issue, but I want to make it
5 clear on the record that I am not waiving my
6 objection to these.

7 THE COURT: All right.

8 MR. CRAMER: One other thing: I only know
9 of one prior larceny conviction. If the Government
10 has two --

11 MR. SMITH: I have got the judgment right here.

12 THE COURT: It isn't good to discuss these
13 matters in the presence of the jury, if it is going
14 to take a long, lengthy side bar conference. It
15 should be done briefly, if it is some minor matter.
16 Otherwise the jury should be excused.

17 The records will be discoverable, and will be
18 disclosed.

19 (The following transpired in open court:)

20 MR. CRAMER: Ronald Stringer.
21
22
23
24
25

1 Q Is that near where you live in Meriden?

2 A Yes.

3 Q Where were you living at that time?

4 A 103 Twiss Street.

5 Q How old did she appear to you to be when you met
6 her?

7 A About 18, 19.

8 Q How old were you at that time?

9 A 24.

10 Q Did she tell you how old she was?

11 A No, she didn't.

12 Q What happened at the first meeting?

13 A Well, she was in the Meriden Mall, standing at the
14 door. So I invited her to the pizza house.

15 Q Go a little slower, so he can take it all down.

16 A And I started talking to her. She looked like she
17 was standing around -- I got in a conversation, and we had a
18 Coke, and at the pizza house she had the Coke, and I had a
19 pizza and Coke. And we talked.

20 And finally I asked, you know, to take a walk. We
21 walked and ended in my apartment.

22 Q You invited her to your apartment?

23 A Yes, I did.

24 Q You testified earlier that you were living with the
25 woman who is now your wife, Linda?

1 A Yes.

2 Q Was Linda there at the time you brought her to the
3 apartment?

4 A No, she wasn't.

5 Q Was there a reason why she wasn't?

6 A She was in the project in Meriden, on Lawrence
7 Court, visiting my sister-in-law.

8 Q You knew that when you brought Christine to the
9 apartment?

10 A Yes.

11 Q Okay. What was your purpose in bringing her up to
12 the apartment?

13 A To be honest, you know, trying to make a pass at
14 her.

15 Q How long was she at the apartment?

16 A I would say a little longer than an hour.

17 Q Did you make a pass at her?

18 A I attempted to, but didn't succeed.

19 Q What happened?

20 A You know, she reacted toward me, you know, like it
21 appeared to me, because I heard things like that happened
22 with strange women being involved and jumping up --

23 Q Did she leave after that?

24 A Yes, she left.

25 Q When did you see her again, if ever?

1 A At what's his name's club -- a club in Meriden,
2 the New Generation.

3 Q What is that?

4 A It is a club where all the blacks and whites and
5 everybody hang out together.

6 Q And you ran into her there?

7 A Yes, I did.

8 Q And what happened at that meeting?

9 A Well, I talked to her, and make another attempt.
10 And we went to the apartment. The same old thing happened --
11 nothing.

12 Q Did you see her any other time?

13 A Yes, I did.

14 Q What was the other time?

15 A One time I was coming back from Hartford and I
16 seen her in the Mall, standing around. And she tried to talk
17 to me. I gave her the cold shoulder. I figured I wouldn't
18 go through the same thing that I went through before. I just
19 kept on going.

20 Q In these meetings with Miss Doolittle did she show
21 any interest to see you, any affection for you?

22 A No, she didn't.

23 Q You gave her the cold shoulder?

24 A Yes.

25 Q Was she upset or hurt by that?

1 A I didn't take time to stop to realize.

2 Q Was she living with you at any point in time?

3 A No, sir, she wasn't.

4 Q Did you ever encourage her to commit any crimes?

5 Did you ever talk to her about crimes?

6 A No, sir, I didn't.

7 Q Did you ever talk to her about the Permanent

8 Savings & Loan Association?

9 A No, sir, I didn't.

10 Q Did that bank ever come up?

11 A No, sir.

12 Q Were you ever in that bank?

13 A No, sir, I wasn't.

14 Q Did she ever mention going to that bank?

15 A No, sir, not to me.

16 Q Did she ever talk about a bank robbery?

17 A No.

18 Q What did you generally talk about?

19 A Nothing.

20 Q Small talk?

21 A Individual talk, little.

22 Q You testified about purchasing a car on January 10th?

23 A Yes, I did.

24 Q Do you recall where you spent the evening prior to
25 January 10th, the evening of January 9th?

1 A January 9th? Thursday?

2 Q That was a Friday.

3 A A Friday. Probably gambling, most likely gambling
4 on the weekend.

5 THE COURT: Not what you probably did. Do
6 you recall what you were doing?

7 THE WITNESS: No, sir, I don't.

8 THE COURT: Just say so then.

9 BY MR. CRAMER:

10 Q Do you recall any time during the money of January
11 spending a night at a hotel?

12 A Yes, I did.

13 Q Okay. And did you spend that night with your
14 wife, Linda?

15 A Yes.

16 Q Now, do you remember what hotel that was?

17 A Yes, I do.

18 Q What hotel?

19 A Ramada Inn.

20 Q Where is that?

21 A Hartford, Connecticut.

22 Q East Hartford or Hartford?

23 A Well, East Hartford.

24 THE COURT: What was the date?
25

1 man \$1,000, and that you then took \$2,000 of that money,
2 \$2,000 of the balance, and hid it, stashed it at your
3 mother's house, or your girl friend's house?

4 A Mother's house, girl friend's? No.

5 Q And then had \$1400 left?

6 A No, sir.

7 Q After you paid \$75 for cocaine?

8 A No, sir, no, sir, no, sir.

9 Q Are you the same Ronald Stringer who was convicted
10 of larceny in State Circuit Court -- what was the other date?
11 This one is January 22nd, 1971? Were you convicted of that?

12 A Larceny, yes.

13 THE COURT: What was the answer?

14 THE WITNESS: Yes, sir.

15 BY MR. SMITH:

16 Q That is two separate convictions, correct?

17 A Give me that again?

18 Q Two separate convictions for larceny?

19 A No, if I can recall I think it was -- I think I
20 stole five toasters. I think it was that. I don't know what
21 the charges were.

22 Q Are you the same Ronald Stringer who was convicted
23 in the Superior Court for New Haven County, of a narcotics
24 violation on July 1st, 1971?

25 A Yes, sir.

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

V.

RONALD A. STRINGER

CRIMINAL NO. H-76-111

MOTION OF DEFENDANT STRINGER TO PROHIBIT
USE OF PRIOR CONVICTION FOR IMPEACHMENT PURPOSES

The defendant, RONALD A. STRINGER, through his attorney, hereby requests an order that the Government not use his July 1, 1971, conviction for sale and possession of a narcotic substance for impeachment purposes if defendant should testify in his own behalf in the above-captioned case.

The defendant maintains that because of the inflammatory nature of a heroin conviction he will suffer irreparable prejudice and the jury will not be able to focus on his guilt or innocence in the present charges.

Were it not for the prior conviction, defendant would testify in his own behalf.

Dated at Hartford, Connecticut, this 9th day of November, 1976.

THE DEFENDANT
RONALD A. STRINGER

By

Richard S. Cramer
Richard S. Cramer
Assistant Federal Public Defender
450 Main Street
Hartford, CT 06103
(203-244-3357)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

V.

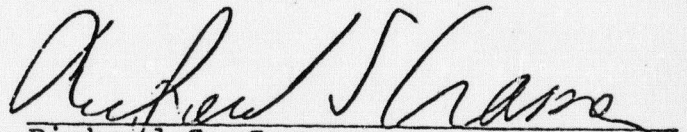
RONALD A. STRINGER

CRIMINAL NO. H-76-111

AFFIDAVIT OF DEFENSE COUNSEL

The undersigned, being duly sworn, deposes and says:

1. That he is the attorney for the defendant.
2. The defendant denies all the allegations of the indictment and, were it not for his prior conviction, he would testify that he did not commit any of the acts. Specifically, defendant would testify that he neither robbed the bank nor aided and abetted anyone else in so doing. He would also deny he ever planned, discussed, or in any way conspired with another to rob the Permanent Savings & Loan Association, 61 Colony Street, Meriden, Connecticut.
3. If defendant is allowed to testify in his own behalf, he will not present any evidence bolstering his own credibility nor will defense counsel argue defendant's credibility in his closing argument to the jury.
4. To the best of the defense counsel's knowledge there are no other individuals who could testify that the defendant did not commit the acts alleged in the indictment.


Richard S. Cramer

Subscribed and sworn to before me this 22nd day of
November, 1976.

Paul A. Collier
Notary Public

My Commission Expires On

Nov. 11, 1979.

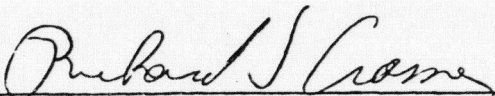
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing affidavit
was mailed, postage prepaid, this 22nd day of November, 1976,
to Thomas P. Smith, Esq., Assistant United States Attorney, 450
Main Street, Hartford, CT 06103

Richard S. Cramer
Richard S. Cramer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that two copies of Appellant Stringer's brief and appendix were hand-delivered to the Office of Thomas P. Smith, Esq., Assistant United States Attorney, 450 Main Street, Hartford, Connecticut 06103, this 25th day of April, 1977.



RICHARD S. CRAMER
Assistant Federal Public Defender